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THE JEWISH PROBLEM IN AMERICA

BY ALVIN JOHNSON

I

THE Jew we have always had with us. There were Jews on the ships of Columbus; Jewish communities in seventeenth-century New Amsterdam and New Bedford. Jews played an honorable part in the War of Independence and figured honorably on both sides in our ghastly Civil War. There were no sections of the country, no cities of importance, where Jews did not penetrate. But down to the turn of the century nobody ever heard of a "Jewish problem." We had, in the first half of the century, an Irish problem and a German problem, and we had even a political party, the Know-Nothings, stirred into existence by hatred of Irish and German immigration. No political sensibilities were focused on the Jew. The Jews were relatively few, and outside the privileged area of religion, were unusually prompt to adopt American ways and standards.

It is true, the Yankee merchants and moneylenders carped steadily at their Jewish competitors, and circulated slanders on Jewish sharp dealing and usury. But the general public was shrewdly disinterested in the competitive wails of the Yankee merchant, who had his own reputation for sharp dealing, in many communities a worse one. Indeed the advent of a Jewish firm was usually hailed by the buying public as the promise of relief from the conscienceless exploitation of the Yankee.

There was social discrimination against the Jews, but it was not fundamentally invidious discrimination. It did not turn on assumptions of inferiority and superiority, but on judgments of social availability.

To form a clear idea of the conception of social availability we must turn our attention to the peculiar characteristics of American society. In European countries social status, all through the nine-

teenth century, was relatively stable. An English lord was securely a lord for life; so was a French count or a German Graf. There were minor nobles and established nonnoble families for whom "social security" was as stable as their complexions. Of course there were also climbers who, through the acquisition of money and the exercise of diplomacy, expert enough to save or ruin a state, managed to cotton up to the aristocracy.

The unique quality of American "society" lay in the fact that with few exceptions the whole aspiring middle class were climbers. The Lowells and Cabots, the New York Four Hundred, the Philadelphia Mandarins, the Virginia gentle families were exceptions to the rule. Each had its fringe of climbers, but they interest us very little in this connection.

We turn to the mass of climbers that composed American society, climbing side by side on the precarious ladder of American success, climbing competitively and cooperatively. Successful climbing might win you advancement in corporation offices, or indeed, in political offices. It might give you authentic tips on stock market projects or real estate developments. It might introduce your ardent and problematic son to the chinless daughter of a millionaire, or more luckily to the beautiful daughter, full of whim and human interest. It might introduce your daughter to true eligibles. If your son were a young lawyer, you might get him in on the case of a millionaire dog accused of biting a democrat; and from the dog's business to the millionaire's there might be a steep road but not absolutely impracticable. I can't go on. I find too moving the reflection on this great nation of climbers, some destined to succeed, hosts to fall off the third or fifth rung, bruised in body and soul, to stand forth as Disappointed Men, artisans of noneconomic radical movements.

What place could the Jew have on the ladder? None, but he might set up a ladder of his own. Your son didn't want his daughter, and his daughter didn't want your son. The whole complex of relations involving matchmaking and mating was excluded. Along with it went the additional complex of relations involving

promotion and business opportunity. Your Jewish friends were looking out for their own, not yours. You respected them as they deserved, but they were not your kind. Socially they were not available.

At great expense you would send your wife and daughters and aspiring sons to a summer resort. For the air? Oh, yes, but also for the social air; and did you want the social air befogged with unavailable people? Certainly not. You skimmed and saved to send your son or daughter to a college. What for? To learn mathematics and languages, ancient or modern, civics and American history and rhetoric? Oh, yes, but also to have them make "contacts" with the sons or daughters of the "right people." Did you want the college cluttered up with the "wrong people"? Of course not. The faculty, competent instrument for bringing the right young people together—could it be diluted with Jews, however talented? Of course not.

On the whole the situation was fairly satisfactory to most Gentiles and most Jews. The Jew had his own ladder to occupy him. But there was the borderline case of the Jew who took his religion no more seriously than the Gentiles of his class took their religion. He resented exclusion from hotels and clubs. He resented the handicaps his sons or daughters might be subject to, in the choice of a college. He resented the exclusion of brilliant Jewish scholars from the faculties. Was he not as good an American as any? Were not equal privilege, equal opportunity, fundamental principles of American democracy? They were; but not of the American middle-class society "on the make."

I have written of this situation as of the past. It is not wholly of the past. We still have our exclusive hotels and clubs and summer resorts. We still have discrimination against Jewish students in the colleges. And if you examine the apologies of the college presidents you will note the same motivation of "society" on the make. "We have a way of life which we have built up through generations. We wish to preserve it. We cannot afford to be swamped by elements that do not fit into this way of life."

This sounds fair-minded. The way of life in question is an admirable thing: good manners, team play, loyalty to the old institution and its students and alumni. Excellent training for the social ladder. But perhaps times have changed. Perhaps the ladder is not so staunch as formerly.

II

With World War I the situation of the Jew in America underwent a radical change. People began to talk about "the Jewish problem" as Europeans had talked of it for generations. Anti-Semitism grew up like a mushroom. The Jewish problem began to figure in politics.

Even before the war the great influx of Jews from eastern Europe was beginning to stir the Know-Nothing spirit that is never wholly quiescent in American democracy. These masses of Jews, settled in compact groups, speaking an alien tongue, reading newspapers of excessively alien appearance, setting up hieroglyphic business signs: would they ever assimilate? The same question arose in respect to the great influx of Italians, Greeks, Syrians, Poles, and Yugoslavs.

American democracy had always expected the melting pot to solve the problem of alienism. It had never contemplated the insertion of permanently alien communities on our soil. We had indeed examples of such communities: the Pennsylvania Dutch, the Louisiana Creoles, the Spanish-speaking communities in the Southwest. But these communities could be tolerated. For the most part they lived for themselves, far away from the main stream of American life. If they were not Americanized, still, they had no foreign loyalties.

World War I introduced America to the concept of "hyphenated Americans"—German-Americans, Italian-Americans, Scandinavian-Americans, Irish-Americans—who, in the national crisis, often appeared not to see eye to eye with the traditionally dominant type of Americans of English and Scottish origin. Most particularly the German-American, with his disposition to defend

German war policy, raised grave doubts as to the soundness of our population composition. Were we a united nation, capable of unified action, or were we an ethnic congeries, in danger of falling into anarchy under the shock of a foreign war?

The event proved that our people were sufficiently unified to acquit ourselves fairly in war. But suspicion of the German-Americans was never wholly allayed. And with the end of the war and the negotiations for the peace settlement, a new concept was inserted in our originally insular consciousness. That was the concept of national minorities.

We had always known, vaguely, of French in Alsace-Lorraine, irreconcilably French, Poles in Posen, Danes in Schleswig, irredentist Italians in Trentino and Dalmatia, Greeks in Turkey. This situation we had never taken very seriously. Binational fringes, bilingual communities, added to the interest and charm of European life. I may quote again the Alsatian girl: "*Nous parlons français, aber meistens sprechen wir Deutsch.*" Could not such populations, we asked ourselves, serve as a link between two nations, in a progressively more peaceful world? We had been too optimistic. The progressively more peaceful world receded into the dim future, and in a warlike world the national minority assumed the position of an enemy within the gates. Versailles attempted, through shifting boundaries, to abate the evil of national minorities; Turkey proceeded to solve it by the dreadful expedient of "exchange of populations." The remaining national minorities were voted nominal protection under the League. But the national minority problem was a mess, and remains a mess down to this day.

The American reaction to the minority question was that no minorities were to be lodged on our soil. Hence the adoption of restrictive immigration legislation, with a quota system presumed to favor the peoples that assimilate readily and to exclude those with a propensity to continue as alien groups—particularly the peoples from eastern Europe. We acquired the habit of speaking of those groups as "minorities," a habit that still afflicts us.

Antialienism, rather than anti-Semitism, discolored American opinion during the first world war and the years immediately following. But gradually the whole force of antialienism focused itself upon the Jews, creating a full-blown anti-Semitic movement.

After the fall of the Russian imperial government, representatives of the Romanoffs took their stations in the various capitals, hoping to bring about foreign intervention to overthrow the still shaky Soviet government. The talented Czarist representative in Washington, Boris Brazoff, exerted himself to convince American opinion that the Russian revolution was purely an affair of the Jews. At that time a Russian woman, who went by the name of Madame Debogory, came to consult me on the problem of publication of what she described as a startling work. I examined the manuscript and set it down as a stupid forgery. It was the manuscript of the *Protocol of the Elders of Zion*. Later Madame Debogory informed me triumphantly that she had secured the interest of one of the richest men in America, an unspoiled Westerner, and that in spite of my mistaken judgment the work would be published and reach the millions. After that, God pity the Jews.

Two years later, I learned that Madame Debogory had been a secret agent of Boris Brazoff.

Put together the instinctive American dislike of permanent alien groups, the new conception of national minorities, and the identification of the Jews with the Bolshevik revolution through the circulation of the *Protocol of the Elders of Zion*: you have the raw materials of the anti-Semitic movement of the twenties and thirties. One must add the effect of a misinterpretation, usually circulated in bad faith, of the Zionist movement, alleged to be based on the conception of dual patriotism. Sometimes fair and honest men would assert: "The Jews themselves say this is not their homeland. Palestine is. What they all want is to go to Palestine. What kind of American citizen would I be if all I wanted was to go back to Wales?"

I've tried to make it clear to such people that Zionism is compatible with 100-percent Americanism. Well, you try.

The average baby-beef eater of the prosperous Middle West hated the Russian revolution. He hated the word Bolshevik, the names Lenin and Trotsky, and above all, Karl Marx, whose works he had never opened. He wasn't really frightened. You can't experience serious fright with Chicago baby beef under your belt. But the Russian revolution was giving aid and comfort to every subversive movement, including the labor unions. It was stirring up the bespectacled lady writers on how to install utopias.

"Maybe the *Protocol* is a fiction, but it is mightily realistic fiction. That was how those bozos would have schemed, if they had thought of it."

His engaging secretary comes in. "There is a gentleman here who wants you to join a society. He calls it British Israel."

"Me? British Israel? Does he take me for a sheeny?"

"He says he can prove that the Jews chased the Ten Tribes of Israel out because they were Aryans, and the Ten Tribes settled England."

"Crazy. But it's interesting. I take it he wants to sell something."

"He says he needs some money from you. He'll send you the literature."

"He's crazy. But here, I'll make him a check. The idea ain't bad."

You think I'm romancing? Not a bit of it. In my green youth I dreamed of romancing, but as I grew wiser I saw that there was nothing so fantastic that it did not appear before us in fact. This incident I got from the baby-beef eater's secretary.

There were once tens of thousands of them in the British Israel society.

To this point we have been dealing with more or less harmless fantasies. But toward the end of the twenties one ambitious schemer after another began to take heart from what was going on in Germany. A paper hanger was rising in his might, on the wings of anti-Semitism and the "dictate of Versailles." Clearly there were possibilities in anti-Semitism here, as a political force. From Baltimore to San Francisco little Hitlers cropped up. Fortunately

they had no "dictate of Versailles" to fortify their anti-Semitism, but they could make good progress by availing themselves of the communist menace.

And when Franklin Roosevelt entered the White House, blithely putting together everything subversive under the caption, New Deal, the whole disfraternity of little Hitlers set up the chant, "The New Deal is a Jew Deal." They had expensive experts making up charts to exhibit the Jew boring from within: the Supreme Court, Brandeis and Cardozo; Treasury, Morgenthau; Trouble Squad, Corcoran and Cohen. And so on. Who was running this country? The Elders of Zion, they asserted.

The eaters of baby beef put up the money for this show. They weren't exactly convinced, but anything to smear "that man in the White House." And that man had the gift of laughter. Sometimes I think, Roosevelt's laughter is even more immortal than his speech, immortal as America.

III

I have catalogued the foundation stones of the postwar structure of anti-Semitism. Look at the structure: you will note that the foundation stones are crumbly and rotten.

The Jews are an unassimilable national minority. Did ever any considerable population type assimilate more rapidly? As a rule it has taken three generations to assimilate my own ancestral stock, the Scandinavians. And I know a third-generation scholar of my stock who begins his speeches with "Ladies and Yentlemen." I know hundreds of descendants of Kishinev who speak as perfect English, who deploy as perfect manners, as any adopted son of John Harvard or Eli Yale.

But they continue to concentrate upon the narrow areas of business and professional work, do they not? No. One Jewish family out of ten works a farm; one Gentile family out of seven works a farm, a figure that would approximate the Jewish if one excluded the uneasy sharecropping proletariat. Jewish artisans are to be found in every trade. Oh yes, they monopolize the clothing

manufacture, do they not? They do not; the great majority of the clothing workers are Gentiles. The Jews supplied us with Gompers, Hillman, and Dubinsky, three of the grandest leaders of the American labor movement, who more than any other figures of our time set American labor on the road to just freedom.

We still hear the characterization of the Jews as a "minority." It is a way of speaking, and not a wise one. In a democracy minorities are political. The Republicans may be a minority, or the Democrats. The Jews may be sunk, for the most part, in a Republican or a Democratic minority. But as a people they are a minority only in the sense that people of German blood, with names like Eisenhower, or people of Scottish blood with names like McArthur, are a minority. They are; and what of it?

Take the third foundation stone, the connection of the Jews with the Russian revolution. We have become slightly educated, and realize that names like Lenin and Stalin are not necessarily Jewish. Only among the obsolete and liquidating 1930 anti-Semites do you hear any continued effort to identify the Jews with the Russian revolution. You don't even hear the Jews identified with the native communists. How many of the neatly groomed Hollywood gentlemen Un-Americanly bullyragged in Washington present Jewish names?

The fourth foundation stone, the relation of the Jews to the New Deal, has crumbled to sand. The New Deal is past history. It has entered into our national standard of living. There is no reactionary so benighted that he wants to undo social security, the Tennessee Valley, the essentials of the Wagner Act, the brilliant performance of America in winning the war. There are few anti-Semites so idiotic that they could wish to impute these splendors of American history to the Jews.

With the progress toward a sovereign Jewish state in Palestine — however limited in area — the argument on the divided loyalty of the Jews of America is abating. There is no red-blooded American who will not assert a sentimental loyalty to the country to which he traces his origin: England, Scotland, Wales, Ireland;

France, Holland, Germany, Scandinavia; Italy, Spain, Greece, Armenia; Poland, Czechoslovakia, Yugoslavia. We wish our ancestral lands to be free, God bless them. But we are Americans. The Jews wish an independent Jewish state in Palestine. So long as this wish is not gratified, there will be professional Jews among us, as there were professional Irish to complicate our politics until Ireland became free.

The double-patriotism foundation stone is crumbling.

There remains the huge Machiavellian stone of anti-Semitism as a step toward political power. Hitler used it. But Hitler's soul went shrieking down to Hades, in a red-hot cloud of anger and hate and crushing defeat. Only such a fool as Mosley can imagine that the Hitler formula of rising to political supremacy on the skulls of slaughtered Jews will work again.

The edifice of postwar American political anti-Semitism has no foundation except in crumbled and crumbling stone. It is as good as gone.

As the dust and rubble of the postwar anti-Semitic episode clears away, we appear to be returning to our original American attitude of accepting the Jew as an American among Americans, but not socially available.

All things change; and the America of today and tomorrow is not the America of 1910. Some arts have developed and some have decayed; and among those that are in process of decay is the traditional art of climbing the ladder of success. We want to succeed, God knows, as much as ever we did. But the technique of success is changing.

Science and technology have us by the neck. And whoever can make an inch of progress in science or technology is on his way up. Whether he is descended from Hengist and Horsa, or from Abraham or Genghis Khan, is irrelevant.

I know of a young fellow who used to play around the laboratories of a New York institution. He was detested by everybody. But he happened on a scientific discovery that may reach very far into human affairs. He wrote it up for a scientific journal, and now

scientists refer to it respectfully as "Blank's" principle. He is still just a highly unlicked cub, but he has been appointed associate professor in one of our greatest universities. I nearly forgot to mention, he is a Jew. This is today.

Whether a young man or woman is aiming at a profession, a technological position, the civil service, state or national, a place on the research staff of Dupont or General Electric or United States Steel or Standard Oil, he or she will get little help from acquaintances made at Bar Harbor or Sun Valley. Impertinent inquiries will come storming in, on training, proof of ability.

Trained ability: that is the new ladder, and the patronage of the right people can't help you even to the first rung.

Of course the exclusive summer resort may still exert its match-making function. But these bold young men and enterprising young women of the scientific age seem not to appreciate match-makers. They are under the illusion that they can better go it alone.

The summer resort, the social circle, are slowly and painfully responding to the new conditions. They are trying to be interesting. They are drawing in artists, writers, philosophers, liberated priests, swamis, rabbis, to give an impetus to their intellectual life.

It will be objected that I am generalizing the occasional, presenting as of today what can only be general tomorrow. The objection is well taken. Social life is very resistant to change, however inevitable. Think how many customs we have that come down from feudal times. Anything social may survive if it is not a grave handicap to existence.

Look at the colleges and their continued discrimination against Jewish students. The colleges have not awakened to the fact that the old ladder of success, for which they developed their "way of life," no longer reaches to the top of any wall. Now they are trying to supplement the objective of a polite way of life with the objective of selection and training for "leadership." The same old bunk.

But even the colleges are feeling uneasy within their crinkled

gray complexions, like a serpent in the spring about to cast his old skin. They solemnly assert that they do not discriminate. It is a lie, but a lie on the Lord's side. Affect a virtue though you have it not. The virtue may take root.

IV

My argument may seem to point toward the complete assimilation of the Jew to American society, with the ultimate disappearance of the Jew as a separate social entity. This is far from my intent and belief. For the Jew has exhibited through the ages an unexampled tenacity of life. Through periods of brilliant prosperity, as under the Moors in Spain, through the most terrible periods of oppression and persecution, the Jew has remained a Jew, true to the Covenant, faithful to the Law. The Jew will remain a Jew in America, though all the factitious disabilities that beset him may disappear.

But as a people apart the Jew can not escape a certain collective responsibility. If John Jones misbehaves, only John Jones misbehaves. If Abraham Cohen misbehaves, it is a Jew who misbehaves. The discrimination is unjust. That can't be helped. It is the condition of a minority way of life in a democracy.

Through most of his history the Jew has had to deal with one autocracy or another. Autocracies, as a rule, have found it desirable to encourage diversity among their subjects. Play one off against another, and collect a profit from protection. Ours is an age of democracies, and history offers no examples of democracies that cherished diversities.

Diversity in religion encounters no democratic hostility. But every religion carries with it an accretion of rites and customs that together set the practicing religionist apart from the general community. So it is with the Catholics, the Seventh-Day Adventists, the Quakers, the Dunkards. And because these groups set themselves apart, they are extremely sensitive about the behavior of their members. They do their best to enforce higher standards than those of the general community.

Of all the religious groups the Jews are the most militantly individualist. Collective responsibility for society as a whole they accept with earnest resolution. There is no group in society that will work so hard, sacrifice so much, for causes they appraise as good. But they resent bitterly any suggestion that as individuals they carry a peculiar responsibility for other individuals of their group.

They have just reason to resent it. If I, a Gentile, felt no responsibility for Dillinger, why should you, an Italian, feel responsible for Lucky Luciano, or, a Jew, for Gyp the Blood or Waxy Gordon? It is preposterous that the democracy should impose any such responsibility on you. But it does, and it can't be helped.

And my friends the Jews, in spite of their protests, do actually operate, subtly, a certain collective responsibility. In what group of society do you find so much anxious care on the part of the parents to bring up their children in the way they should go? Perhaps groups of poor people, fleeing from death in Russia to the deadly slums of New York, were insufficiently clear as to what America expected of a "minority" group. Perhaps first-generation Americans, noting the words "Open Sesame" on the American dollar, grabbed at it too singleheartedly. The years go by, and adaptation proceeds. Consider the boys and girls assembled in Brooklyn College, an institution which knows no difference of race within its walls. You will not find anywhere a finer body of young Americans, earnest students, with a healthy ambition to rise, but according to the rules as they know them.

I cannot accept the opinion once expressed to me by the late Mr. Justice Brandeis that history proves that the Jews can never expect more than a hundred years of tolerance under any jurisdiction, autocratic or democratic. History proves anything and disapproves it too. There is something fundamentally new in America, that does not fit in with Old World patterns. European states have at times tolerated minority religions. America has never tolerated them. It has accepted a man's religion as his private right, no more needing tolerance than the color of his eyes. True,

America has been less tolerant of minority groups than European states in some phases of their history. But a minority religion does not necessarily make a minority group.

What I see in the Jews is a population group like any other, the members of which desire, like those of any other group, to marry within the group, to carry on social intercourse within the group, but not exclusively. Thanks to the fact that their numbers are so considerable, they cannot, as in early America, confine themselves to trade and the professions, the most poisonously competitive walks of life, but are successfully penetrating agriculture and the manual trades where "a man is a man for a' that."

There will be more intermarriage and amalgamation of blood. You can't expect a full-blooded manual worker to respect a tenuous traditional fence with a desirable girl on the other side. Though a judge of Israel, Samson could not refrain from taking a Philistine bride. Such marginal episodes offer little concern to the philosopher. The Jews of America will for the most part remain true to the Law, faithful to the Prophets, but good Americans among good Americans.

FLUCTUATIONS IN THE SAVING RATIO*

A Problem in Economic Forecasting

BY FRANCO MODIGLIANI

I

THERE are economists who do not consider it possible to make any kind of economic prediction, that is, any estimate of future economic quantities. Those, however, who do not share this skepticism, are in almost complete agreement on the basic approach for predicting national income and employment.

National income in a given period is the value of goods and services produced within that period. Income may be said to have two components—the part that is spent on consumption within the period, and the part that is not so spent or is, in other words, saved. The portion saved is equal to the value of goods produced that do not flow into consumption but are instead added to the stock of capital—that is to say, it is equal to the value of investment.

The fundamental insight gained during the thirties is that the portion of income people choose to save bears a definite and slowly changing relation to this income; therefore, for each level of aggregate income there must be a corresponding level of aggregate saving. Saving, as such, cannot be estimated unless we know the level of income. But since any amount of aggregate saving can be realized only if an equal amount of *investment* is forthcoming, each level of income also requires a corresponding level of invest-

* EDITORS' NOTE — This is a brief digest of a study prepared by Dr. Modigliani for the Institute of World Affairs, in connection with a research project on "International Trade at Various Levels of Economic Activity" under the direction of Dr. Hans Neisser. The study will be published by the National Bureau of Economic Research, New York, in *Studies of Income and Wealth*, vol. 11.

ment. If we can estimate the relation between saving and income for every level of income, we will also know what level of investment is required to produce any given level of income. Conversely, if we have a knowledge of the saving-income relation and of forthcoming investment, we can then estimate forthcoming income and employment. Currently, attempts are being made to estimate investment in advance; in the case of domestic investment, estimates are based on entrepreneurs' reports on their investment plans. But even if such estimates should prove to be only moderately accurate, there is much to be gained from knowing what level of investment will be required to produce any given level of income and employment, especially that of full employment.

It is clear, therefore, that the relation between saving and income holds a key position in economic forecasting. A number of estimates of this relation have been put forward recently, among which those of Mosak¹ and Smithies² are outstanding. According to their forecasts, the level of *personal* saving (in the aggregate) at full employment in the near future may be expected to be as high as 14 percent of national income. *Total* saving—that is, personal plus corporate saving—under taxation rates similar to those of 1940 may be expected to reach a level of 15 to 16 percent of national income. For 1950 Mosak and Smithies forecast that full employment would yield a national income of nearly 195 billion dollars (in 1943 prices). This implies a potential total saving of some 30 billion dollars. Gross saving, which includes current depreciation allowances and other business reserves, would then reach the somewhat staggering figure of about 40 to 42 billion dollars.

If these forecasts were to prove correct there are real grounds for fearing that private capital formation could not be large enough to insure full employment for any length of time. The

¹ Jacob L. Mosak, "Forecasting Postwar Demand: III," in *Econometrica*, vol. 13 (January 1945) pp. 25-53.

² Arthur Smithies, "Forecasting Postwar Demand: I," *ibid.*, pp. 1-14.

matter can best be judged by comparing the above estimate of the full employment saving potential with the actual investment figures for 1946. In this year, investment in equipment, and in plant and other commercial construction was at an unprecedentedly high level because of reconversion needs and of maintenance outlays deferred by the war, and yet it did not exceed 18 billion dollars. In normal times, the yearly increase in inventory would tend to follow the development of national income and would therefore be unlikely to exceed a top figure of 2 billion dollars. And not even the most optimistic forecaster could expect the remaining two components of private gross capital formation—residential construction (3.3 billion in 1946) and private capital export—to make up the difference between investment so far accounted for and the estimated saving potential, a difference of some 20 billion dollars. Indeed, it is probable that the gap between the saving potential and private capital formation would be in the order of 10 billion dollars a year, if not more, which would imply substantial unemployment.

This gap could, of course, be made up, and full employment maintained, by an appropriate government policy of budget deficit or increased expenditure with heavier taxation (especially for a kind of permanent Marshall plan) or by a combination of both measures. But in view of the huge magnitudes involved, it is hardly likely that any of these schemes would be acceptable to the American people as represented in Congress today. Thus one could only regard our economic future with most serious misgivings.

II

The results of our recent study indicate that the Mosak and Smithies estimates for personal and corporate saving are open to grave doubt. Their predicted 14-percent ratio of personal saving to disposable income is distinctly higher than that realized in any year of the two decades preceding World War I. Furthermore, the estimates fail to explain the fact that the ratio of saving to

income, according to the study made by Kuznets,³ seems to have been fairly stable since the 1870's, with some declining tendency after the turn of the century.

The unconvincing character of the estimates is attributable to the fact that they were obtained by projecting to the future the relation between income and saving that existed in the twenties and thirties, with no reference to the influence of the business cycle on the relation between these quantities. The results of our statistical investigation show that during the ups and downs of the business cycle the saving ratio deviates considerably from what may be called its secular or long-run level, and does so in a systematic fashion.

What are the causes of these deviations? There are strong reasons to suppose that the level of saving depends not only on income, but also on the cyclical position of the economy. So long as income rises steadily as a result of technological progress, the proportion of income saved will tend to remain relatively stable. This hypothesis is supported by many considerations, prominent among them certain recent studies of consumer saving habits. These studies suggest that the proportion of income saved by individuals depends not on the absolute level of their income but rather on their relative position in the income distribution. While it is true that rich people save a large proportion of their income and poor people save little or even dissave, the notion of rich and poor is a relative one; income receivers whose income is well below the average "feel" poor and save little or even dissave, regardless of the absolute income received. As aggregate and average income increase gradually, people rise to higher income brackets. In each bracket, however, people save less than the previous "inhabitants" of a given bracket; they still feel poorer than the people to whose income level they aspired and therefore try to keep up with the latter in spending. Thus the proportion of *aggregate* income saved tends to remain unchanged.

³ Simon Kuznets, *National Product since 1869*, National Bureau of Economic Research (New York 1946).

If, however, the secular expansion of income is interrupted by a cyclical *contraction*, consumption tends to be maintained at the expense of saving; that is, in each bracket consumption is higher than during prosperity, and the proportion of aggregate income saved will fall below the secular level, tending to rise again to this level only during the recovery.

This phenomenon can, of course, be explained in part by the *rigidity of consumption habits*, which causes people confronted with a temporary decrease in income to attempt to maintain consumption at the expense of saving. Other important factors are the *dissaving of the unemployed* and the *changes in the income distribution*. With regard to the first, unemployed people typically dissave, since they necessarily continue to consume even though they do not produce income in the technical sense of the word. Hence, even if employed persons tend to maintain their accustomed level of saving, the proportion of aggregate income saved will tend to be smaller the greater the volume of unemployment, because the dissaving of the unemployed offsets the saving of the employed. Obviously, the volume of unemployment, which remains relatively constant and close to zero so long as income rises steadily, will fluctuate with income in the course of cyclical contraction and expansion. As for the changes in income distribution—the available evidence suggests that entrepreneurs have, on the whole, a relatively higher propensity to save than other income classes. In the course of a cyclical contraction, entrepreneurial income tends to fall proportionately much more than other income shares, while the opposite phenomenon tends to occur in the recovery. Thus a contraction in income reduces most the income of those who tend to save most.

The influence of the various factors mentioned above can be statistically accounted for by relating saving not only to current income, but also to the *highest previous level of income*. This approach explains both the secular stability and the cyclical variability of the saving ratio. Applied to the data available for the United States for the years 1921-40, it explains very satisfactorily

the facts observed in this period. And it indicates that under conditions of full employment the proportion of income saved may be expected not to exceed significantly a level of 10 to 11 percent in contrast with the 14 percent forecast by the other investigators mentioned above.⁴

How these earlier and exceptionally high forecasts were arrived at is now clear. The rapid increase in the saving ratio during the cyclical recovery of the thirties was not seen to represent the reaction to the marked decline in the preceding downswing, which had reduced the saving ratio below its secular level; and it was concluded that this rapid increase in the saving ratio would continue once income had fully recovered.

III

The foregoing analysis pertains only to personal saving. The behavior of corporate saving, however, shows considerable similarity, because corporations tend to follow a policy of dividend stabilization over the years, thereby permitting previous, as well as current, income to influence the current volume of corporate saving. In prosperous years dividend payments are increased only gradually as reserves accumulate, while in the years of low income or losses, dividends are maintained by drawing on accumulated reserves. We tested a number of formulas, especially one developed by J. Tinbergen which was found to explain very well the past behavior of corporate saving. Despite the difficulties arising from the cyclical fluctuations in the relation of corporate profits to national income, our approach indicates that, at 1940 rates of taxation and at full employment, corporate saving may be expected to amount to about 2 to 2½ percent of national income, a figure substantially below Mosak's estimate of 3½ percent. With higher rates of corporate taxation, corporate saving may, of course, be expected to be somewhat lower.

⁴ According to our analysis, a somewhat higher saving ratio can be expected to prevail, temporarily, only in years in which income rises very rapidly above the highest previous peak, a conclusion that is fully supported by available past evidence.

The estimates obtained for personal and corporate saving were further confirmed by an overall study of total saving as related to national income and to the highest previous income, the latter quantity again being used to account for the influence of cyclical factors.

In order to apply the results of this study to forecasting the potential level of total saving at full employment in an early posttransitional year, such as 1950, it is necessary to introduce assumptions concerning the state of affairs in the years preceding 1950, for it is the very essence of the new approach that the volume of saving depends not only on current income, but also on income levels of preceding years. Assuming that the year 1949 will be a year of balanced prosperity with income rising from 1949 to 1950 according to its secular pattern, our approach yields an estimated saving ratio of 11 to 12 percent. (Using our approach with different assumptions would of course yield different results.) For the full employment income of 195 billion dollars assumed by Mosak and Smithies for 1950, this implies a net saving of 20 to 22 billion dollars and a gross saving potential of 32 to 34 billion dollars instead of 40 to 42 billion. It should not be impossible for private investment to reach this level, if encouraged by suitable legislation.

The reliability of these results may be partly gauged from the accompanying figures in which the actual saving ratio (computed on the basis of the Department of Commerce series)⁵ is compared with the theoretical saving ratio computed with the formula derived from our approach.

⁵ Our study was completed before the publication of the revised estimates of national income and its components by the Department of Commerce in August 1947 ("National Income," in *Survey of Current Business*, Supplement, July 1947). No attempt has been made to revise the quantitative results obtained for the United States on the basis of the new estimates, because these estimates do not, at present, go sufficiently far back in time to allow for a satisfactory test of the hypothesis advanced in this paper. It will suffice to point out here that while the revisions affect some of the specific quantitative estimates given for the United States, they do not in any way invalidate the substance of the argument developed in this paper.

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	<i>Actual</i>	<i>Theoretical</i>		<i>Actual</i>	<i>Theoretical</i>
1922	10.0%	10.6%	1932	-9.4%	-10.9%
1923	14.1	13.1	1933	-1.6	-2.3
1924	9.3	8.7	1934	2.4	1.4
1925	11.9	10.6	1935	5.0	4.6
1926	10.5	10.2	1936	7.9	9.8
1927	10.1	9.7	1937	8.1	8.2
1928	9.6	10.4	1938	4.5	4.6
1929	11.8	11.6	1939	8.9	10.1
1930	2.7	2.3	1940	11.4	11.4
1931	-7	-7			

It is also interesting for purposes of comparison to glance at Kuznets' historical estimates of the saving ratio for the decades from 1869 to 1928, as shown below.⁶

1869-1878.....	12.1%
1879-1888.....	13.2
1889-1898.....	14.1
1899-1908.....	12.6
1909-1918.....	12.5
1919-1928.....	10.9

Another valuable check on the results obtained for the United States was made by applying the same approach to the material which is available for Sweden and Canada. For the former country, yearly estimates of income and saving are available as far back as 1890, and for the latter from the early twenties. Very satisfactory results were obtained, inasmuch as for both countries there is clear evidence that the proportion of income saved tends to remain relatively constant in the long run though it fluctuates markedly with income in the course of the cycle.

⁶ Kuznets, *op. cit.*, p. 119, Table II-16. Kuznets' estimates are available only in the form of decade averages and therefore could not be used directly to test the validity of our approach.

THE FUTURE OF GERMAN NATIONALISM

BY HANS SPEIER

I

GERMANY'S unsuccessful attempt during the last war to increase her power by force of arms has led to a sharpening of conflicts in international relations. The wartime allies have found it difficult to reach agreement on the redistribution of power in the postwar world. Berlin, Vienna, Lake Success, and the various capitals of the great nations in which their foreign ministers or their deputies have met, have become sites of diplomatic strife and frustration. Only small and slow progress toward the establishment of mutually satisfactory conditions of peace has been made. Broadly speaking, the diplomats have not succeeded in achieving much more than codification of changes in power which were brought about by the respective armed forces of the wartime alliance. The Western powers are relatively strong today where their armies conquered, and they are relatively weak where the Red army conquered. Germany was invaded from the east and the west; it has therefore become a contested area.

Before the war ended, the Soviet Union obtained American consent to drawing Germany's eastern frontier temporarily at the Oder-Neisse line without legal prejudice to the final peace settlement; the United States was to control the future of Japan. With regard to Poland and southeastern Europe, the United States and Great Britain received a pledge from the Soviet Union that democratic regimes would be established in those areas. But the Soviet Union defines democracy in her own way, which is not ours. Insistence on the Western definition of democracy has been unsuccessful, chiefly because the Red army, not American or British forces, had occupied those countries. While it may be

possible that our championship of Western democracy will in the long run hearten liberals in Poland and southeastern Europe, we have not been able to do much for them in the short run by protests. Peace in the Balkans and with it the prospect of the withdrawal of Soviet occupation forces was reached at about the time when the peoples in those small countries were no longer in a position to choose between East and West.

The American attempt to consolidate western Europe through economic assistance and promises of such assistance followed the successful consolidation of eastern and southeastern Europe within the Soviet orbit. It has provoked a vociferous protest from the Soviet Union and would probably have done so even if the announcement of the Truman doctrine had not preceded that of the Marshall plan.

Humanitarian, economic, and other reasons are being advanced in favor of the Marshall plan. Behind them lies the assumption that the danger from the east will lessen with rising production in the west. The Soviet Union and the communist parties in Europe are trying to tear asunder all reasons, good or poor. Throughout Europe they have embarked on a full-fledged psychological warfare campaign against the United States, its alleged capitalist imperialism and warmongering, and its threat to the democratic way of life as communists understand it.

In Germany, the Marshall plan is being attacked by German writers under Soviet control in language as venomous as that of the *Daily Worker*. For example, people in the western zones of Germany are described as waiting for the Marshall plan "as they once waited for the miracle weapons V-1, V-2 and V-3."¹ In editorials it is pointed out that "what is really behind the plan is an attempt. . . to make Europe the dumping ground for American overproduction."² A German noncommunist weekly, published in the American zone, sarcastically calls the present conflict between East and West in Europe "a competition between

¹ *Tägliche Rundschau* (Berlin), September 16, 1947.

² *Berlin am Mittag* (Berlin), September 15, 1947.

economic paradises,"³ and in a recent poll taken by Germans in the British zone three out of every four persons stated their expectation that the United States and the Soviet Union would be at war within the next ten years.⁴

There is no major German issue left on which East and West see eye to eye. The Moscow conference of March and April 1947 produced no answers to the questions of reparations, economic unity, the political structure of Germany, the instrument of peace. Agreement was reached only on issues of minor importance, such as uniform standards of denazification—an agreement which the Control Council in Berlin failed to implement—and the free interzonal exchange of information, which the Control Council did implement, although (or because) newsprint, paper, and film raw-stock supplies in the Soviet zone far exceed those of the western zones.⁵

In the meantime, there have been American suggestions that the United States conclude a separate peace with Germany.⁶ There have been suggestions by American businessmen that a separate peace be set up for western Germany, and it has been reported that, since his return from the United States, Dr. Kurt Schumacher, leader of the Social Democratic party in western Germany, regards

³ *Wirtschaftszeitung* (Stuttgart), August 8, 1947.

⁴ *Wochenpost* (Stuttgart), September 21, 1947.

⁵ It should moreover be noted that according to the Control Council Directive No. 55 on "Interzonal Exchange of Printed Matter and Films," of June 26, 1947, the Zone Commander has the right to take such measures as he may deem necessary against publications or persons who violate restrictions imposed in the interest of military security, the needs of the occupation, and the attainment of basic Allied objectives in Germany: action in such cases is not taken by the Control Council itself.

⁶ Mr. Byrnes believes that it would be possible to avoid the obvious dangers and difficulties of a separate peace, as proposed by Mr. Hoover, by inviting the Soviets to a general peace conference and going ahead without them if they refuse to abide by a two-thirds majority decision at that conference. In his speech of November 5, 1947, Mr. Byrnes declared that such procedure "would not be making a separate peace. It would simply be saying that no one nation can veto peace on earth." The fact remains, of course, that any one nation can veto peace by declaring war and that peace between Germany and the Soviet Union cannot be established without the Soviet Union.

the partitioning of Germany as inevitable.⁷ Finally, reports have come from Germany to the effect that the Soviet Union will call for a plebiscite in her zone to turn it into a separate state, if the London conference of Foreign Ministers in November and December should fail; and from communist sources in France that, in that event, she would propose the withdrawal of all occupational forces. These reports are unconfirmed, but in view of Soviet policy in Korea, even the possibility of a unilateral withdrawal of occupation forces from the Soviet zone cannot be dismissed as fantastic, assuming that the Soviet Union could count on a well-entrenched communist government in eastern Germany.

Germany has assumed a new role in international relations, her third within a few years. At the beginning of the war, German aggression drew the United States and the Soviet Union together in common defense of their countries. After German forces had invaded Russia and the German government had declared war on the United States, public opinion in this country was swept off its feet in favor of our ally. President Roosevelt believed, as he wrote to Pope Pius XII, "that the survival of Russia is less dangerous to religion, to the Church as such and to humanity in general than would be the survival of the German form of dictatorship."⁸ As the Red army proved capable of stemming the tide of the invaders, that is, after the Battle of Moscow, relations between the Soviet Union and the Western powers began to be strained. Russia was intransigent regarding her aims in Poland. She insisted on the establishment of a second front in Europe. Stalin delayed meeting the heads of Western states. Perhaps all this was related to the fact that the Russians put more divisions into the field than their Western allies, suffered more losses, and killed more Germans. If the tide of the battle on land in Europe turned at Stalingrad, it should be remembered that at that time

⁷ *New York Times*, November 6, 1947. Eric Reger, editor of *Der Tagesspiegel* (Berlin), advocated in an editorial of July 5, 1947, the establishment of a Western German Federal Republic.

⁸ *Wartime Correspondence between President Roosevelt and Pope Pius XII* (New York 1947) p. 62.

no American or British soldier had as yet set foot again on the Continent. President Roosevelt was in Casablanca for a conference, which Stalin had refused to attend, and had announced the war aim of unconditional surrender.⁹

At the end of the war, the victorious nations agreed that Germany should be rendered powerless. Thus Germany again seemed to perform the function of a catalyst in consolidating certain interests shared by the great powers. Their common desire to prevent a repetition of German aggression never meant, however, that there was international harmony of national interests: the big powers not only desired a peace undisturbed by Germany, but each of them desired a peace to its own liking. Russian and American policies on Germany differ and clash, but these differences do not derive from different opinions on how best to render an aggressor harmless. They flow in large measure from conflicting military, economic, and ideological interests in an imbalance of power.

Perhaps neither the Soviet Union nor the United States would necessarily insist that Germany fall exclusively under Russian or Western influence, but certainly the Soviet Union would look on a Germany integrated into western Europe with as little favor as the Western powers would look on a disarmed Germany in the Russian orbit. The difference between the wish to control a country and that of not having somebody else control it is very subtle indeed, particularly when different parts of the country in question are occupied by forces of the nations that are jealous of each other.

II

It is in this international context that the question of German nationalism arises. Its future cannot be divorced from the policies of other powers. At the present time German nationalism is reviving, and it appears possible that it will be further strengthened.

⁹ See my article, "War Aims in Political Warfare," in *Social Research*, vol. 12 (May 1945) pp. 157-80.

Germany has been cursed with strong nationalistic and militaristic traditions. It is doubtful whether total defeat alone could cause her to renounce the sweetness of power and the ardent hope for its resurrection. It is most unlikely that the occupation of a defeated country can do anything but strengthen nationalist feelings. Nationalism feeds on popular sentiment. It is a form of collective pride, and the proud grow contrite less easily than the humble. Given the balance of power in Europe today and in the world at large, it is almost inevitable that defeat and joint occupation should promote the revival of German nationalism.

History records many cases of the decline of great empires from a position of pre-eminence to a more modest role that stifled their expansionist aspirations. On the map of Europe today there are many smaller countries which once commanded not only the respect but also the envy and fear of other powers. Sweden, Spain, Austria, and, in a measure, France—to mention only a few at random—were once world powers of a rank that Germany and Japan only yesterday were about to attain. One cannot contend without proof, therefore, that the Germans would be unable to accept eventually what other nations before them have been forced to accept: a share in international power smaller than that which they once had or hoped to have. Goebbels used to equate political and physical elimination, but it is manifestly absurd to presume that the people who lived in the Holy Roman Empire died when that empire vanished or that each individual Spaniard suffers because the sun now sets in the realm that his government rules. And yet, while Goebbels did not tell the truth, the Germans today can be expected to find a grain of truth in what he said, not only because they are suffering from both war and defeat but also because they, the vanquished, live, as do the victors, in an era of nationalism.

The historical instances of reduction of power, to which I have referred, do not really shed much light on the German issue at hand. With the possible exception of France in 1871 and Germany and Italy in the first world war, no nation in the modern sense

of the word was ever defeated. Armies and navies were. Nations in the modern sense are peoples who take victory and defeat to their hearts. They participate in politics and war to an extent for which misleading parallels from earlier periods of modern Europe can be found only inside besieged cities. For centuries there was in Europe an incessant traffic in territory of states; there were partitions; but such events kept diplomats and statesmen busy without affecting the political passions of the population at large. Defeat did not have the sting of personal humiliation, because the common man did not identify any part of his happiness with the prestige or international power of his sovereign. Today the common man, including the common intellectual, is very much inclined to do just that, perhaps more so in times of war than in peacetime, perhaps less than those who incite his passions assume him to do spontaneously, but in any event more easily and more widely than was true in the past.

Interestingly enough, a strong sense of national humiliation has as yet not been aroused among the Germans by the occupation itself. This can probably be explained by the fact that toward the end of the war there were many Germans who were opposed to, or tired of, the Nazi regime and the war, but could not end the one or the other, whereas the conquering armies could. Moreover, great misery reduces the interest in national prestige and power—a point to which I shall return. In November 1945 about 60 percent of the Germans living in the American zone expressed the opinion that they did not feel the occupation to be a national humiliation, and by December 1946, the percentage had dropped only to 55.¹⁰ There are no later figures available. In December 1946, then, the percentage was about as large as the proportion of all valid votes not cast in favor of any openly nationalistic party in the election of November 1932.

Germany's defeat was so crushing and the conquest of the country so complete that the Germans might have accepted a radical

¹⁰ Opinion Surveys Section, Information Control Division (OMGUS), *Trends in German Opinion*, April 1947 (unclassified).

revision of the map of Europe at the end of the war; but the moment passed. Preparations had been made for the United Nations Organization, not for the organization of a United Europe. Even at the end of the war the political elimination of Germany and the absorption of what Churchill called "her ancient states and principalities"¹¹ in a United Europe could probably have curbed German nationalism only if the nationalism of other European countries as well had been absorbed by larger loyalties to Europe.

Instead of any trend toward the establishment of a peace of this kind, there has been a strengthening of nationalism among Germany's former enemies on the continent of Europe. One of its fatal manifestations has been the forced transfer of German minorities from Poland, Czechoslovakia, Hungary, and Austria to the shrunken territory of the former Reich, including the illegal expulsion of millions of Germans from the German territory under Polish administration. In consequence of these actions the fear of Germany among her neighbors has not abated since her defeat. German newspapers and magazines today predict that these expulsions will have dire consequences: "Misery, dead land, war and communism will triumph . . ." "It must be said that. . . according to our estimate about five to six million people, despite the emigration quota, will have to return to the country from which they are expelled." The same socialist monthly from which these quotations are taken reprints a lengthy statement by the American Committee Against Mass Expulsion¹² in which the population transfers are characterized as "a crime against humanity" and in which it is further said that "the democracies have accepted . . . Hitler's race theory. Human rights have been replaced by rights of nations."¹³

My point in quoting this German opinion is to indicate the

¹¹ At Zurich, September 19, 1946.

¹² Committee Against Mass Expulsion, *The Land of the Dead: Study of the Deportations from Eastern Germany* (New York, without date).

¹³ *Volk und Zeit. Eine Monatsschrift für Demokratie und Sozialismus*, Karlsruhe (August 1947). The last quotation is retranslated from the German.

effect of nationalism in countries other than Germany upon the German mind. For one thing, it renders the position of anti-nationalistic Germans more precarious. Many Germans who voice their justifiable complaints and demands find it difficult to view their own hardship in the perspective of the misery inflicted by them upon others. The nationalists find it unnecessary. They are inclined to regard the moral account as more than balanced by now and proceed without qualm to collect a debt. Many of them seem convinced that they can do it, if they exert their skill in exploiting the enmity among the victors.

Take reparations. After the first world war, few issues were more effectively exploited for nationalistic ends than the reparations to be exacted from Germany. The situation today is not much different. There are no mass rallies, as yet, to protest against reparations, but if there were they would not have to search for words. These are available in German publications and in speeches by party leaders, who pick them freely from the public quarrels of the victors.

The first agreement on the level of German industry was reached by the Control Council on March 28, 1946. It fixed the future maximum production of steel at 5.8 million tons annually, the German output in the depression year 1932. The agreed figure was a compromise. The British had been in favor of a substantially higher figure, that is, 11 million tons; the Americans had originally suggested 5 millions, the Soviets only 3 million. Soon thereafter, the Soviets realized that for them to receive reparations from current production it would be desirable to permit a higher German output. Thus, Mr. Molotov announced at the Paris conference of the Council of Foreign Ministers on July 10, 1946, that the Soviet Union was opposed to Germany's "agrarianization," a reference which the Germans interpreted as a criticism of American policy. The Soviet Union, Mr. Molotov said, wished the peaceful industries of Germany "to develop on a wider scale." The signal thus given, Germans in all zones talked much more freely about the need for higher production levels.

At the Moscow conference this spring, Mr. Molotov stated that the Western powers had already received their share of reparations from Germany, namely, 2.3 billion dollars from German investments abroad, 2.2 billion from the German merchant marine, 5 billion in gold and patents, representing a total of 9.5 billion. Mr. Marshall replied that the United States had received reparations amounting to only 275 million dollars, and Mr. Bevin made a similar statement.

In a recent German editorial from the American zone, one reads that "nothing has been made public about the way in which these estimates and appraisals were made, and German officials have not been permitted to gain insight into the machinery of reparations."¹⁴ An economic journal published in the British zone goes further: "Let us disregard the question whether and to what extent defeated Germany has a claim on the basis of international law to cooperate in the determination of the amounts and objects of reparations. But it is certainly timely to raise the question whether Germany has not already fulfilled her obligations regarding reparations."¹⁵ Similarly, Dr. Kurt Schumacher declared in his programmatic speech at the Social Democratic party meeting in Nuremberg (June 29-July 2, 1947) that "contrary to all calculations as to the amount of reparations paid by Germany, the truth is that Germany has paid more than the amount of the demands imposed upon her."¹⁶ He spoke of "the arbitrary method of estimating reparations deliveries" and continued: "The patents, the production methods, the results of scientific research have been offered to the whole world for peaceful use. They are genuine reparations, for they mean for German industrial development a retrogression that will last for decades."¹⁷

On August 29, 1947, the new British-American agreement on the level of German industry was published in Berlin. Its release

¹⁴ *Wochenpost*, September 21, 1947.

¹⁵ *Handelsblatt* (Düsseldorf), quoted in *Wochenpost*, September 21, 1947.

¹⁶ In German: "... als ihm rechnungsmässig an Forderungen bereits zugemutet worden ist."

¹⁷ *Sozialistische Monatshefte*, Stuttgart (July 1947).

had been withheld for a short time in an attempt to obtain French concurrence. A moderate German economic weekly promptly wrote that the publication of the new agreement was prevented at the last minute by our State Department because of a "successful French objection." Citing the new American directive to General Clay, which has taken the place of JCS 1067, to the effect that the economic contribution of a stable and productive Germany was necessary for a peaceful and prosperous Europe, the weekly added: "It is not so certain that this idea has become common property in the Western world. In some minds there still lingers something of the idea of 'agrarianization.' See the successful French objection. . ."¹⁸

According to the new plan, the number of German industrial plants to be dismantled for purposes of disarmament is considerably smaller than that stipulated in the old plan, and the permitted level of Germany's production is considerably higher; for example, the steel output allowed has risen to 10.7 million tons annually. German communists in all zones now decry the policy of dismantling war plants as inspired by Western capitalist interests against German competition. Social Democratic leaders in turn have publicly stated that workers will not be able to cooperate in any further dismantling. The right-wing parties denounce the dismantling still more vigorously. In short, instead of appreciating the considerations that led to the adoption of the new plan, the Germans have taken it as a springboard for further complaints and demands, which are fortified by Allied disunity.

As another illustration, take the future of the German frontiers. After Mr. Byrnes' speech at Stuttgart on September 6, 1946, all parties in the western zones, with the exception of the communists, felt authorized to step up their propaganda for pushing Germany's eastern frontier farther east. Had Mr. Byrnes not pointedly remarked that the heads of governments had not agreed at Potsdam to support at the peace settlement the cession of Silesia and other eastern German areas to Poland? Mr. Byrnes became immensely

¹⁸ *Wirtschaftszeitung*, August 1, 1947.

popular in Germany; his resignation came as a genuine shock to the Germans. The communists, on the other hand, were loudest for a while in their cries that the Reich could not live without the Ruhr and the Saar.

The lack of an initial, specific agreement among the Allies on Germany's future frontiers in both the east and the west has produced a situation in which German nationalists are free to play off one interest against the other to serve their own. And the political parties vie with one another in order not to lose followers to a more outspoken competitor.

III

The picture would be incomplete if no account were taken of the manifestations of indigenous German nationalism and its resources, which can be tapped without recourse to Allied disunity.

The resurgence of German nationalist sentiment is favored today by the disrepute into which anti-Nazis have fallen, particularly those anti-Nazis who survived in concentration camps. One might be inclined to think that in the liberated camps the new Germany had found its martyrs, and that there she would look for strength to establish a more decent form of life than the Nazi regime had provided. The truth is, however, that the victims of National Socialist persecution do not enjoy the respect of their compatriots.

In all zones, antifascist celebrations are being held, and many tributes have been paid to those who died in the camps. But these tributes are deceptive, like so many other public features of post-war Germany.

Most of the former inmates of the camps left the scenes of their misery in utter destitution. They needed help. But when they claimed their rights, they created resentment, partly because misery was widespread, partly because the claimants seemed to revive the past, and partly because some of them had been criminals. When the Allied armies opened the gates of the camps, they did not discriminate between the "greens" or criminals and the "reds" or so-called political prisoners. Misery was too great. All inmates

were living proof of unspeakable horror; all of them went home. But the Germans outside did not always greet them with jubilation. Many were suspicious of prisoners, because good citizens do not get themselves into prison. For years they had heard that the camps served to protect the community from criminals. Now they heard, particularly in the American zone, that the Germans outside the camps shared the responsibility for what had happened in the camps. On the whole, the American view of German guilt was rejected, particularly by those who were the most guilty. Then, later, the trials of the Nazi fiends who had tortured and killed in the camps, yielded irrefutable evidence that many so-called political prisoners had turned criminal in the camps, and this evidence was corroborated by the publications of former inmates, German and non-German.

The classic account of German concentration camps, Eugen Kogon's *Der SS Staat*,¹⁹ contains a detailed description of the form that the struggle for survival assumed in the camps. Contrary to the legend abroad, this struggle did not manifest itself only in instances of great courage, nor merely in an extraordinarily well-organized resistance to the camp officials; it also bred informers, collaborationists, profiteers, and murderers—a stark political reality rising out of the morass of Nazi crime. Kogon writes in the preface to his book, “I know that there are comrades who almost despaired when they had to realize to what extent certain practices of the SS were adopted among the oppressed, but still more when they saw that an ignorant and gullible world put the halo of heroism upon injustice and brutality.”²⁰

The political repercussions of this confusion are illustrated in a recent article by another former concentration camp inmate. He pleads with those Germans who “speak today with so much contempt of the political prisoners” that they ask themselves whether *their* characters and *their* nerves would have stood up

¹⁹ Like all other valuable German writings in post-Hitler Germany, this is unavailable in English.

²⁰ Eugen Kogon, *Der SS Staat* (Frankfurt-am-Main 1946) p. ix.

under the trials of camp life. And he concludes with another plea, addressed to the decent survivors, not to hide their past in disgust of the present German reaction, but to cooperate in separating the wheat from the chaff among the victims of Nazi persecution. "Unless such a real elite is formed, nobody should be surprised, if in a few years it will not be any distinction to have fought like a man against the most despotic regime in history, to have endured unspeakable suffering in consequence of it and yet to have bravely and loyally fulfilled the demands of true humanity."²¹

From statements like these Hitler's continued grip on the souls of many Germans, outlasting his death and the collapse of his regime, becomes fatally clear. Only if we recognize this heritage and the fact that the military victory over Germany was a victory of arms without any decision on the moral issues involved in the second world war, are we prepared to understand the meaning of peace in our time.

Despite the confused attitude toward the survivors of the concentration camps, however, no phase of recent history has been explored more assiduously or presented more passionately in post-Hitler Germany than the story of the German resistance to the Nazi regime. German interest in the subject surpasses its historical significance because the resistance failed, but its moral significance is indeed great, since the men and women who perished for their opposition to tyranny deserve the homage of those who live and are free in any land.

The vast German literature on the subject is inspired by such sentiments. It is also inspired by the desire to provide a moral alibi for Germany as a whole: if the resistance was strong, Nazi Germany cannot be identified with Germany as such. The German opposition to Hitler's rule is less well known than is the widely celebrated resistance in the countries that were occupied by German forces. In this instance justice to truth can best be rendered by the survivors of the German resistance.

It is perhaps inevitable that, so far, little thought has been given

²¹ Michael Kohlhaas, "Zwischen Rot und Grün," in *Volk und Zeit* (March 1947).

in this literature to the reasons for the failure of the resistance. But the failure to recognize that quite a few persons connected with the conspiracy against Hitler were also nationalists is disappointing; Germans who have mentioned this touchy subject have been rebuffed. The most discouraging feature of the literature, however, is its misdirected belligerency. Too often one gets the impression that the German fight against National Socialism was completed with the collapse of the Nazi regime, as though the fight has merely a past history and is without future, as though National Socialism had not survived in any form. More than that, there have been attempts in this literature to turn the neglected record of Germany's underground not only into a moral alibi for Germany as a whole but into a moral weapon against the conquerors, as though the Allies were a worthier target than the remaining Nazis.

A particularly pointed illustration is afforded by the latest German book on the subject.²² The author, Rudolf Pechel, is an old conservative, friend of the nationalist, Moeller van den Bruck, and editor of a literary-political magazine, which during many years of the Nazi regime waged an admirable fight against National Socialism by way of ingenious allusion and allegory. He was finally imprisoned, and now, as a survivor of the German resistance, is licensed by the American authorities to publish his magazine, *Die Deutsche Rundschau*, again.

Reading Pechel's book, one is almost led to believe that the victors played no role whatever in restoring his freedom and that of so many others. He speaks of "the German revolution against National Socialism" in which "far more" people died than did members of the American Expeditionary Forces in the conquest of Europe.²³ He also contends that the plans of the German opposition for the political transformation of Germany after Hitler's fall were "clearer, more sensible and more democratic" than those pursued by the Allies after the collapse in Germany."²⁴

²² Rudolf Pechel, *Deutscher Widerstand* (Zurich 1947).

²³ *Ibid.*, p. 12.

²⁴ *Ibid.*, p. 13.

Mr. Pechel had contact with many conservative conspirators involved in the *Putsch* of July 20, 1944, against Hitler. The second proclamation that the new German resistance government planned to broadcast to the German people contained references to the "unholy dictate of Versailles," and this document is reprinted by Pechel, apparently with the assumption that such reference needs no comment today.²⁵ He speaks of "degenerate Western liberalism."²⁶ Further, in his sketches of the outstanding members of the German resistance, he writes that Albrecht Haushofer possessed a strong instinct of self-assertion, which "was strengthened by the fact of his not purely Aryan descent on his mother's side."²⁷

And finally, he says that it was not the German Nazis but the foreign powers who administered the heaviest blows against the German resistance. The chapter devoted to this subject is headed, "The Co-responsibility of the Foreign Powers," this responsibility consisting chiefly in the fact that foreign diplomats had dealings with the German government before the war and none with the German opposition during the war.

Insistence on foreign responsibility for German affairs is a widespread attitude in Germany today, intensified by the fact that the occupation authorities have made many mistakes. One may be disinclined to regard it as a manifestation of German nationalism, but it assumes at times curiously aggressive forms. When Dr. Schumacher was in London last year he coined the phrase, "Total victory engenders total responsibility."²⁸ He used it with reference to the desirability of establishing socialism in Europe and of changing certain occupation policies in Germany of which he disapproved. But Schumacher's phrase can, of course, be so used as to stress the meaning that total defeat has absolved the Germans from all responsibility for whatever happens. It has been so used in order to justify lack of initiative and response on the part of the Germans in putting their own house in order.

²⁵ *Ibid.*, p. 324.

²⁶ *Ibid.*, p. 278.

²⁷ *Ibid.*, p. 229.

²⁸ *Badische Neuste Nachrichten* (Karlsruhe), December 3, 1946.

Again, it is perhaps inevitable that such attitudes should develop in a country that has been unable to rid itself of the Nazis by its own efforts. Lacking a moral rebirth by revolution, the Germans have successfully managed to transform bureaucratic denazification procedures, which took the place of a revolution, into a method of social rehabilitation. There can be little doubt that the imposition of denazification from without by the victors has strengthened solidarity between Nazis and non-Nazis. "An act of justice," Eric Reger recently wrote, "has become an action of the one-good-turn-deserves-another type."²⁹

IV

The average German knows that supreme power in Germany today rests with the Allied Control Council. A number of German jurists, however, have embarked upon a remarkable discussion in order to prove that this power is restricted and that many important Allied policies and measures violate international law; they refer to the legal status of Germany after unconditional surrender.

If Germany's legal personality was extinguished through the complete destruction of her armed forces and through the occupation of her territory, that is, through so-called *debellatio*, there could be said to exist today a condominium of the victorious powers, whose sovereignty replaces German sovereignty. If it is held, however, that Germany's legal personality has not been extinguished, then she has today the status of a country occupied by the enemy. There exists so-called *occupatio bellica*, according to the Hague Rules of Land Warfare. In this case, German sovereignty is being exercised by the occupying powers only temporarily and important restrictions apply to their power. In particular, they have not the right to exact reparations; they are not permitted to transfer any part of the occupied territory to another state; and they must respect existing German law in so far as this is not entirely impossible.³⁰

²⁹ *Der Tagesspiegel*, June 21, 1947.

³⁰ The phrase is "*sauf empêchement absolu*," in the Hague Convention, Art. 43.

Many German lawyers have advanced the second interpretation and rejected the first; many German newspapers have carried their views to a wider public; many German politicians have been quick to draw the political conclusion. Professor Rudolf Laun in Hamburg has equated the positive law created by the Nazi government with the positive law created by the Control Council; the latter, he said, must be accepted by the Germans "even where it deviates from our feeling of what is right," just as the former, "which had been recognized by all foreign governments" had to be accepted by the Germans despite the lack of such feeling.³¹ Another writer contends that not recognizing the applicability of the Hague Rules of Land Warfare means a return to "the pernicious ways of National Socialist policy regarding international law, which deemed it possible to create new, that is, lesser, international law on its own authority, for subjugated territories."³² As did *Die Gegenwart*,³³ a magazine published in the French zone, he referred to the Nuremberg trials in which the Allies had recognized that the occupants of a foreign country are bound to observe international obligations, though it may be impossible at a given moment to enforce them.

Reactionary politicians of the Christian Democratic Union, like Mayor Adenauer of Cologne, have publicly referred to the illegality of the detachment of Germany's eastern territory and the Saar and the illegality of interfering with German domestic affairs, for example, by way of socialization.³⁴ Social Democratic politicians, like Georg Zinn, Minister of Justice in Hesse, have maintained that there is "a right of intervention" but still assert the illegality of frontier changes.³⁵

The opposite view, according to which the Allies exercise a con-

³¹ "Gegenwärtiges Völkerrecht," in *Die Zeit* (Hamburg), December 19, 1946.

³² Eugen Budde, "Völkerrecht im besetzten Deutschland," in *Rhein-Neckar-Zeitung* (Heidelberg), February 11, 1947. See also Dr. Budde's "Besatzung unter Völkerrecht," in *Die Selbstverwaltung* (Heidelberg), 1947, no. 1/2.

³³ "Der Prozess," in *Die Gegenwart* (Freiburg), December 31, 1946.

³⁴ *Kölnische Rundschau*, December 21, 1946.

³⁵ Georg Zinn, "Das staatsrechtliche Problem Deutschlands," in *Süddeutsche Juristen-Zeitung*, 1947, no. 1.

dominium and are sovereign in their actions was first expounded by Professor Kelsen in this country.³⁶ It was dismissed by Professor G. Wacke, of the University of Berlin, as an opinion "perhaps understandable as coming from an Austrian,"³⁷ and was supported in the western zones apparently only in two periodicals.³⁸ The fullest legal exposition of the condominium theory appeared in *Neue Justiz*, a professional journal published in the Soviet zone. The author points out that through the act of unconditional surrender the German Doenitz government factually lost the possibility of exercising the rights of government. The constitution of the Allied condominium, he goes on to say, is contained in the resolutions of the Allies regarding Germany that were made at Yalta.³⁹

It is interesting to note that the whole controversy could not have arisen if the Allies prior to, or at the time of, Germany's unconditional surrender had publicly declared that the Reich had ceased to exist as a legal personality. As it is, a legal theory has been developed, which may have far-reaching consequences in fortifying German attitudes toward the instrument of peace, and which may yet prove to be a justification of future German nationalism in comparison with which the explosive formula of the "dictate of Versailles" will fade into insignificance.

V

If we assume that Mr. Byrnes' warning will not be heeded, and that Germany will become a pawn or partner in the contest be-

³⁶ Hans Kelsen, "The International Legal Status of Germany to Be Established Immediately after Termination of the War," in *American Journal of International Law* (October 1944), and "The Legal Status of Germany According to the Declaration of Berlin," *ibid.* (July 1945).

³⁷ "Deutschland als Staat?" in *Neue Zeit*, February 8, 1947.

³⁸ "Zur zweiten Lesung," in *Der Tagesspiegel*, January 21, 1947, and "Die völkerrechtliche Stellung Deutschlands nach seiner bedingungslosen Kapitulation," in *Europa-Archiv* (October-November 1946).

³⁹ Wolfgang Abendroth, "Die Haftung des Reiches, Preussens, der Mark Brandenburg und der Gebietskörperschaften des öffentlichen Rechts für Verbindlichkeiten, die vor der Kapitulation vom 8.5.1945 entstanden sind," in *Neue Justiz* (April-May 1947).

tween East and West, what are the prospects? There is great danger that German nationalism, in one form or another, will profit by the contest and will intensify it. There is the further prospect that the long-run chances of the Soviet Union are better than those of the United States.

The West can offer western Germany a higher standard of living through participation in the Marshall plan. At least economically, western Germany will become a part of western Europe. With the exception of the communists, the Germans in the western zones will, of course, welcome this new turn in postwar policy. When Mr. Churchill in Zurich urged France to bury her ancient quarrel with Germany in order to assume leadership in creating European political unity, many Germans in the western zones were enthusiastic, although they made no comment on Mr. Churchill's idea that Germany should become a member of the European order, not as an entity but through her states and principalities. Today, there are many clubs and associations in the western zones sponsoring the idea of the United States of Europe.

The first German voice on peace after the war was that of Ernst Juenger, one of the most vicious nationalists between the two wars. Before the end of the war, he wrote a pamphlet, *Der Friede*, in which he advocated a united Europe with Germany as a whole participating and with the Church giving its blessing. The pamphlet was clandestinely printed in the British zone and went, in one form or another, from hand to hand. It was particularly successful among German students.⁴⁰

Why are the Germans enthusiastic about a consolidation of western Europe? There are sincere Europeans among them. There are others who will accept anything that betters their lot. But it should be realized that it is possible for Germans to support the idea for ulterior motives. The more Germany becomes a "bridge" between the East and the West — an idea much talked about in Germany today — the easier it will be for her to go either West

⁴⁰ Several writings of this German patriot will, of course, be available soon in French and English.

or East. "As realists," a German Social Democrat wrote recently, "we must get as much as possible out of every attempt to organize Europe or a part of Europe."⁴¹

Now nationalism is a matter of sovereignty and territory in the first place, not of the standard of living. In Germany today, the deprivations of life are so severe and its uncertainties so great that, with the exception of the professional politicians, people have little time and energy for politics. Whatever interest in politics there is, is primarily concerned with matters that have an immediate bearing on everyday life and its difficulties. Economic reconstruction in Germany is a more burning question than are boundaries; the return of prisoners of war occupies the Germans more than the structure of their government, and the red tape of the tremendously inflated bureaucracy more than popular elections. Furthermore, as one descends the broken ladder of Germany's economic class structure, the interest in broader problems of Germany's future lessens. The upper strata are the least affected by the distortions of the political perspective that misery entails.

Generally speaking, and disregarding all other factors bearing on the situation, it may be predicted that the political voice of postwar Germany will become more articulate, and the danger of nationalism more manifest, as economic conditions improve. Some-observers disagree with this prognosis and assert that the present symptoms of nationalism must be attributed to the gap that has been allowed to develop between political institutions, which have been speedily reconstructed, particularly in the American zone, and the recovery of economic life, which has been slow. In my opinion, this lag has contributed to discrediting democracy, both foreign and German, in Germany; it has also contributed to the growing dissatisfaction with the occupation by foreign powers; but it has not been a sufficient cause for nationalistic attitudes. These attitudes have re-emerged: they have not been created;⁴² and they

⁴¹ Erwin Schoettle, in *Sozialistische Monatshefte* (July 1947).

⁴² See especially, among other pieces in *Der Tagesspiegel*, the article by Ernst Alfred Schneider, "'Neonazismus' in Deutschland," in the September 9, 1947, issue.

are likely to become stronger as economic conditions improve, unless something is done to prevent it.

The reconstruction of western Germany is not only a matter of economic productivity, but also a question of managerial and political control. Since it cannot be expected that the United States will share German and British popular interest in socialization, but will prefer the American form of private enterprise, economic reconstruction is likely to be accompanied by support of German conservative forces, particularly if the communists continue to speak against "foreign capitalist interference," as they surely will. This will inevitably widen the gulf between the East and the West in Germany, and may furnish the German managerial class with pretexts to press for further support not only against communists but also against German labor and German liberals. At the same time, it will inevitably strengthen the political bargaining position of the right in German national affairs.

The economically most influential Germans in the Ruhr have been described by Eric Reger as men who because of the present conditions of "foreign domination" do not mention that Hitler lived and for reasons of reverence do not mention that he died. "Even if all owners of enterprises, not only those who committed crimes against humanity, were to be expropriated without compensation, there would remain the compact army of directors; plant managers; representatives; lawyers; business, technical, and legal advisers, who, frequently, more than the various individuals on top, are the men of power politics and the promoters of the nationalist spirit. All these half-, full-, and quarter-directors can be seen in the mountains of the British zone where they are recuperating from the strain of denazification." And again, "They meet in small groups in isolated localities to 'discuss the situation.' They call it also 'exchange of experience and suggestions.' Experiences with Allied control, with trade unions, with work councils; suggestions on how to evade this directive and that, whom to meet in order to get an O.K. on this or that, how to corrupt work councils or how to incite the jealous animosity of the work council against the 'social

director' who has been placed by the trade union on the board of directors."⁴³

Even if it were prepared to do so, the West cannot satisfy German territorial demands, unless it is willing to go to war. This, it seems to me, would be the decisive disadvantage of the West, if an all-out struggle for Germany between the East and the West should develop. The Soviet Union is in a better position, at least in the long run. First, it could, if it so chooses, prevail upon the Poles to adjust the Polish-German frontier in Germany's favor. It could do so possibly at the price of compensation given to Poland in the east. The Soviet Union could do all this without going to war with the West, since the United States and Great Britain have indicated that they would favor such an adjustment. Second, the Soviet Union is in a position to further its foreign policy in Germany and the rest of western Europe through the communist parties, whereas the West has no correspondingly effective levers of action in the Soviet zone and in eastern Europe. Third, the Soviets could afford to allow Germany a small military establishment, so long as it takes orders from Moscow, whereas in the West a similar attempt would probably hit a solid rock of objection from the French. Moreover, a German army, the remnants of the Sixth Army captured at Stalingrad, has been indoctrinated by the Russians and could be used in the Soviet zone in one form or another against "fascist reaction," as effectively as the Free Germany Committee and the Union of German Officers were used by the Soviet Union for propaganda purposes during the war.

When Molotov, in his speech of July 10, 1946, in Paris, advocated higher German production, he quoted from a speech by Stalin, made in November 1942, to the effect that "it is impossible to destroy Germany." In this speech Stalin had continued his reflections as follows: "It is not our aim to destroy all organized military force in Germany, for every literate person will understand that it is not only impossible in regard to Germany, as it is in regard to Russia, but also inadvisable from the point of view

⁴³ Eric Reger, "Facit 1947, V," in *Der Tagesspiegel*, June 28, 1947.

of the victor.⁴⁴ No doubt, the statement was made at the time in order to win German support for Russia against the Nazis and, probably, in order to suggest to the Allies that Russia could come to an understanding with Germany if she had to, as was once demonstrated in 1939. There is no reason to discount the possibility that Molotov may still quote, at some time in the future, the rest of Stalin's paragraph, which he started to recite in Paris last year.

It need not be pointed out that even a Soviet gesture in this direction would have a strong appeal to Germans in any zone. It would not be surprising if it were to have a far stronger appeal than the prospect of an improved standard of living.

What, then, is to be done? There is no magic formula, but the following suggestions seem worthy of consideration.

1. We must realize that raising the standard of living in Europe does not solve the political problems of Germany or those of Europe.

2. We should support, in Germany, primarily the noncommunist left, rather than the reactionary forces. While the noncommunist left is by no means free of nationalist inclinations, it is less dangerously so inclined than the communists or the right. Besides, its present nationalism is in part induced by the competition with the nationalism of other parties, and it may abate somewhat if the noncommunist left is given conditional support. Should the United States fashion its policy toward European parties and social forces on the domestic model, the success of American foreign policy in Europe will be in jeopardy. In our national interest we must support more strongly than we have done in the past those Germans who are sincere democrats and Europeans. They, rather than the Nazis and former Nazis, are the people whose present serious depression should be our concern.

3. We must clearly realize that the political center of our European policy must be in England and France, not western Germany. We must therefore resist any German effort to have us or the

⁴⁴ *Soviet War Documents*, Information Bulletin issued by the Embassy of the USSR, Washington, D. C., Special Supplement (December 1943) p. 43.

Germans believe otherwise, whether the pressure comes from the left or the right.

4. We must avoid splitting Germany, because setting up western Germany as a separate *political* unit in Europe would eventually play into the hands of German nationalism and would thereby give the Russians an advantage she would exploit and not easily lose. No matter what we do in western Germany, we must leave the way open for economic and political unification of Germany.

5. We should make every effort that can be made without sacrifice of principle to reduce the rivalry between the East and West in Germany.

6. We should state the principles of our European policy more clearly, without undue stress on the ideology that moves the American audiences but with every possible reference to what we have done and are doing.

After the first world war, Moeller van den Bruck wrote: "The German nationalist is immune against ideologies. He has looked behind the fraud of the big words, with which the nations that have conquered us have assigned to themselves a world mission. He has experienced in the civilization of these nations, which complacently calls itself the Western one, that in this civilization man did not rise but sink. In this sinking world, which today is victorious, he tries to save that which is German."

We must try this time to save not what is German, or American, in Europe, but what is European and what serves our well-considered interest.

COMMENT: BY KURT RIEZLER

THE foregoing ingenious and suggestive article by Hans Speier on German nationalism closes with certain statements about the prospects for the future and the policy to be pursued. Hence it

well deserves a brief comment. Though several of Dr. Speier's single points are open to criticism, these remarks are intended only to clarify further the issue as a whole and to modify some of the conclusions offered.

I

The reasoning of Dr. Speier's article is centered on the survival of German nationalism. Speier uses the term "nationalism" without sufficient qualification, yet seems to regard it as a somewhat fixed entity which he recognizes and identifies by earlier connotations of phrases used by German writers today. This procedure, though generally followed in political discourse, is doubtful. Even the words ending in "ism" should designate an identical thing lest under changing conditions they become mere grammatical subjects of ambiguous sentences. When Speier points to the nationalistic connotations of certain phrases as evidence, he does so regardless of whether these words denote a reality or not. Some do, others do not. The "dictate of Versailles," though used abundantly and dishonestly by the nationalist opposition to the socialist government, would not have had the explosive power it had in the twenties had Versailles not been a dictate. A German who referred to the treaty in these terms at that time might have been a nationalist, but he need not have been one to resent the fact that the German government was forced to put its signature silently to a confession of exclusive war guilt in which even the government of the Czar had no share. Neither the dictate as such — a coalition of powers unsure of its unity can only dictate — nor the political contents of the treaty but such humiliating procedure gave the formula its explosive power.

If what Dr. Speier calls nationalism survives, or is slowly resurgent as the present misery and desperate struggle for survival abate, this nationalism will be of a totally different character; it will even be described by, and deserve, a different name. It will be much more powerful and more serious. It will be called patriotism or a movement for national unity. It will be no mere survival of any

nationalistic longing for the "sweetness of power." For a long time there will be nothing immoral in it; based on the existing reality and not on romantic dreams, it will have a human and natural appeal for millions of people, including even such ardent foes of German or any other nationalism as Hans Speier and myself. It will be all the more serious because Germany, at least in the west, will be a democracy. Eventually the movement will become part of the platform of every popular party. An authoritarian regime of a kind that does not depend on the popular will, if there is such a thing, will be able to suppress or ignore it. No popular regime will. The difficulty of getting the Germans to sign the peace treaty will demonstrate this clearly.

Much of the old brand of nationalism proper will survive for a while, and to an even greater extent than Dr. Speier's evidence shows. The German newspapers of today would hardly wage such a vigorous fight against the nationalistic ideology unless there were such a thing. Only slowly do human beings abandon their cherished words and images, even when these words and images have lost all actual meaning and reality. And when they do abandon them, the nationalist proper, and especially the hopeless youngster, becomes a nihilist before he becomes something else. He believes in nothing, not even in his former nationalistic ideal. Nihilism is dangerous — yet it is not nationalism.

Instead of talking about the survival of nationalism it would be wiser to assume that the Germans, as a whole, will react to future conditions as would any other people. It is always wise to put oneself in another's place and at least to try to take on his role. If people did that, they would make fewer mistakes of judgment and action. No people would ever accept as the charter of their national life a constitution that is but a compromise between two foreign powers, and their conflicting interests and intentions, arrived at without their own country having been called upon or able to raise its voice. Such constitutions can never enjoy any prestige. The many millions, deprived of all their possessions, expelled from their farms or cities in Czechoslovakia or in the

territory given to the Poles, people attached to, and deeply rooted in, their homeland for many centuries back and now dispersed over the western zones, everywhere unwelcome — these people will hardly behave differently from the people of Vermont or Maine under similar conditions. If they look longingly at the country they lost, they should not be called nationalists because their phrases will have nationalistic connotations. They may in time even start talking about "*Lebensraum*," a famous word with the strongest of such connotations. "*Lebensraum*," as it was formerly used, was a mere romantic swindle with no reality behind it. The Germans needed no such "*Lebensraum*"; they would not even have known how to settle it. Now, however, for the overpopulated western zones full of uprooted people, even this ominous word could be used, though it is not yet so used, to mean something very real, natural, and only human. In their case, their words will not be proof of a survival of nationalism. Changing conditions alter even the meanings of words.

Or can we expect that German boys, still children or even unborn, any more than boys of another industrial country will accept the fact that in their lifetime they are not to be allowed to fly, they alone among all other boys flying over Germany? Or the fact that they may not build and operate a merchant marine? Can we expect them to accept the situation in a spirit of atonement for the collective guilt of their fathers and grandfathers who, as individuals, may or may not have been innocent? The German boys will do what any other boys would do. They will try to change these conditions, and will start by pretending that the usual merchant ship or commercial airplane means little in a modern war. We may deny or deplore this, but we should not expect that it will not happen.

One could give a hundred such examples. Many of the things that must be demanded by the victors will even be part of a peace treaty whose nonobservance will be aggression and whose observance a popular government must enforce. It may indeed be necessary to impose such conditions. But it will be unwise to do so

without either setting a time limit on them or providing some workable machinery for peaceful revision of technically obsolete stipulations.

Dr. Speier cites a German discussion of the legal problem of sovereignty as evidence of the survival of the old nationalism. But the legal problem exists; it is not a German invention. It poses difficulties even for the legal brains of the occupying powers. And would not the legal minds of any other people do just what the Germans are trying to do? Would they not try to find arguments to prove that the occupying powers, having sovereignty, have not only rights but some kind of responsibility, and that the concept of sovereignty without any limitation is not exactly the Western one? I think all legal minds probably would. But legal subtleties are of minor importance; they will hardly have power over the minds. Not everyone who in the present state of affairs tries to make a point in the interest of the nation is for this reason alone a nationalist. If we assume that, we only deceive ourselves and become the prisoners of mere words.

It would be wise to realize that the present state of affairs is unprecedented in history: a nation of sixty millions with a highly centralized industrial economy, living under a condominium of four competing powers and their military governments, without any national government of its own and without any voice as a nation, awaiting the imposition of a peace treaty and a constitution. Substantial parts of its territory and of public and private property are disposed of before any treaty. Since this war, started by the Germans themselves, was the first total war, many of these conditions may be necessary. The Germans have no right to complain. The moral argument, however, does not change the situation. It can convince the victor that he is morally right, but not that he is clever or wise. Righteousness can be used to excuse many a major stupidity. A number of aspects of this unprecedented situation are awkward, both for the present and for the future, and from the point of view of the victor as well as the vanquished. It is to be expected that the Germans, nationalists or not, will

call attention to some of these features, as would any other people in their plight.

Dr. Speier calls nationalism a form of collective pride. It is a distinct form of pride, one of many forms. In most cases, it is a substitute for individual pride. The truly proud are not nationalists. The German talk of the "master race" has in it far more of a sense of inferiority than of pride. There are other nations that do not talk about being a master race; they take it for granted. But since human beings need some kind of pride, be it either in what they actually are or in an image of what they hope to be, much depends on the Germans being able or permitted to develop some forms of, or reasons for, pride of a less dangerous nature. Even the Germans may be able to do this if they are given some opportunity to do constructive work on a transnational basis, without, however, being constantly reminded of a sense of shame that they should not only feel but show. No human being and certainly no nation can be expected to perpetuate the feeling of shame without developing an always repulsive and sometimes aggressive defense mechanism, an attitude that rabble-rousers of the future would not fail to exploit.

II

The Germans, like any other people, will submit to a necessity that they can neither change nor escape. If forced to it by their daily needs, they may even for the present accept the partition of their country into a West and East Germany. But even if they should be able to act according to the old formula, "Always think but never speak of it," their thinking and never speaking would still be a political reality. Yet what happens to the Germans is no longer a purely German problem. If it were, we could treat it as a moral or an emotional question according to our likes and dislikes. People may dislike the Germans; they may even regret that Germany exists. Her existence, however, even if she now plays only a passive role, will play a decisive one in the future of this country. Dr. Speier himself puts his problem in the broader context of

the rising antagonism of the two great powers. The problem, however, is not how the surviving German nationalists will exploit this antagonism with more or less skill or viciousness, but how the two great powers will use or antagonize the emergent German patriotism and the ardent wish of the whole existing nation to get rid of that monstrous frontier. This frontier, dividing a densely populated area, an old community of commercium, connubium, and convivium, of tradition, feelings, discourse, in which nearly everyone has close friends or relatives on the other side of the fence, will divide not only Germany but the East and West of "One World." It will be an incredible nightmare to both the Germans and us in all aspects—political, human, financial, administrative. It cannot be watertight, yet it must be so, if the western part has to have and be able to protect a reformed currency. It must be watched. Should the Russians and the Americans build an equivalent of the Limes Romanus? Should the Germans be trusted to guard it on both sides, against each other? It requires considerable imagination to figure out what is likely to happen in these circumstances. It may be possible to establish such a frontier, but it will be difficult and it will always be a nightmare and a frontier of "explosive power."

As things stand, the old German nationalists will have no role to play. They are a poor sort, and none of their old power tricks will serve. There is one thing that Dr. Speier does not mention. The new technology of warfare has changed the whole picture. It is now of paramount interest to the German people that there should be no war between Russia and the United States. Whoever might survive in such a war, Germany, whether "neutral" or not, will not survive—no house, no industrial plant, nothing that resembles a people. This every German knows by now, except some equivalents of the eternal Colonel Blimp. Blimps are not, but all Germans are mortally afraid of such a war.

Any German role in the antagonism between the two great powers should be considered in this light. Dr. Speier thinks that in future competition the Russians would be in a better position,

at least in the long run. Not only can they proclaim an independent East German state and control it through their German communist party or the Russian-trained army of General Paulus; they can even return to Germany, or promise to return, parts of her former eastern territories. With regard to these cards up the Russian sleeve, Dr. Speier is right. It was clear from the beginning that, by giving all the land east of the Oder to the still somewhat reluctant and suspicious Poles, the Russians achieved, as they fully intended, two things at one stroke: now, only with Russian support can a well-behaved Poland hold what she has or a well-behaved Germany get back what she needs. Mr. Byrnes, in his Stuttgart speech, blocked this game, or at least the whispering campaign with which it started. As things are changing, however, the Russians may again have their chance.

Yet, against such Russian bids to the national or patriotic feeling of the Germans, the Western powers can offer more than a higher standard of living. Their main asset is government by law—that “*Rechtsstaat*” which, after all, despite Hitler has a long tradition in Germany—civil liberties and security against a secret police. This counts for a great deal, and no such thing exists in the Russian zone. People disappear in labor camps, in the Saxonian mines, or in Siberia. It is this state of affairs and not merely the prospect of a higher living standard that causes Germans in the eastern areas to try to escape to the western zones. The Russians and their communist parties cannot alter the situation. They rely and will go on relying on an all-powerful police. Whereas we can expect the force of lawful procedure to increase in the west, dictatorial methods and arbitrary interference will increase in the east. There is no way back from this kind of power to a more and more lawful procedure: power of this kind, in order to maintain itself, can only go on to more and more terror by virtue of the dynamic inherent in the system as such. Hence the odds are not against the Western powers.

It is more true than ever today that no one can raise the curtain that hides the future. We can only appraise probabilities. We

cannot foresee the balance of the mistakes that the occupying powers are bound to make. Nor can we foresee German rabble-rousers of the future, who, under existing conditions, could easily play on the uprooted millions, were not the Germans of today rather slow to trust anybody.

Dr. Speier predicts that we shall hear from the Germans more and more about Germany being "the bridge between the East and the West." We certainly shall. But again this talk will not be merely a more or less vicious trick of German nationalism. There is a reality behind it. It has been a political reality for centuries, even a political necessity, and it may again become one. The two leading powers must be prevented from destroying each other, as well as the whole of Europe, in a senseless war, in which nobody can win and enjoy any kind of victory.

There is little doubt that the Russians expected they could lay hands on the whole of Germany. They misjudged the American people, anticipating that we would eventually lose interest in Europe, not that we would awake to the danger of Russian domination of the whole of Europe. Thus, despite all their gains, they are disappointed, though they still cling to their hopes.

For the moment, the situation seems to be relatively stable along the nightmare frontier. The Russians regard a Germany in the orbit of the Anglo-Saxon powers as a threat to their newly acquired position in eastern and southeastern Europe. The Western powers know that western Europe, including the British Isles, cannot be defended against a Russia that dominates the whole of Germany. Hence, the very old, ever-present, and often acute fear in British minds of a Russian-German alliance, and in Russian minds of an alliance between England and Germany, is back again in a different and much more dangerous form. There is no solution, no compromise, even on paper. There is no use in asking by what mistakes such an impossible situation was allowed to develop. Nor is there any point in saying, "I told you so." The situation exists; deeds done cannot be undone. Neither side can evacuate the country unless the other does so; neither trusts the other, or

the Germans, enough to consent to a simultaneous evacuation which the other might postpone. Nobody dares to think what would happen, under present conditions, in an evacuated Germany. Hence, the occupation armies are bound to stay.

It is possible, though it will require careful handling, much wisdom and quiet firmness, to prolong the present untenable situation for a while, or even to put into effect a partition of Germany. In a more or less distant future, when the physical and mental condition of the German people may have reached a first or second stage of consolidation, it may be that both sides, anxious to avoid war, will see that their interest lies in neutralizing Germany as a disarmed power vacuum in the middle of Europe, and may find a way to do it. For a while, however, the eastern and western zones, under the impact of different methods of rule and indoctrination, will develop economically and mentally in more and more divergent ways. But outside indoctrination has its limitations. It is not at all sure that the Russians will be pleased by the experience they will have in Germany or with the effect that contacts in Germany will have on the minds of their officials and soldiers.

Admittedly the idea of making Germany a power vacuum in the middle of Europe is now only a dream. We may be compelled in the future, however, to dream many a dream ahead of time—this or a better one, if any can be devised on the basis, and within the range, of what is possible—unless we are willing to abdicate and are resigned to observing afterward that, as Thucydides said, “the concatenation of events by no means proceeds less stupidly than the thoughts of man.”

ON THE INTENTION OF ROUSSEAU

BY LEO STRAUSS

I

THE antiquarian controversy about the intention of Rousseau conceals a political controversy about the nature of democracy. Modern democracy might seem to stand or fall by the claim that "the method of democracy" and "the method of intelligence" are identical. To understand the implications of this claim one naturally turns to Rousseau, for Rousseau, who considered himself the first theoretician of democracy,¹ regarded the compatibility of democracy, or of free government in general, with science not as a fact which is manifest to everyone but rather as a serious problem.

An adequate understanding of Rousseau's thesis presupposes a detailed interpretation of the *Contrat social* and *Émile*. For reasons of space alone, to say nothing of others, we must limit ourselves here to a discussion of Rousseau's "first discourse" which is now conveniently accessible, thanks to Mr. George Havens, in a beautiful and well annotated edition.² Rousseau himself said that all his writings express the same principles. There are then no other Rousseauan principles than those underlying his short discourse on the sciences and arts, however imperfectly he may

¹ "La constitution démocratique a jusqu'à présent été mal examinée. Tous ceux qui en ont parlé, ou ne la connaissent pas, ou y prenaient trop peu d'intérêt, ou avaient intérêt de la présenter sous un faux jour . . . La constitution démocratique est certainement le chef-d'œuvre de l'art politique; mais plus l'artifice en est admirable, moins il appartient à tous les yeux de le pénétrer" (*Lettres écrites de la Montagne*, VIII, p. 252, Garnier ed.; the italics are mine).

² Jean-Jacques Rousseau. *Discours sur les sciences et les arts*. [Édition critique avec une introduction et un commentaire par George R. Havens.] New York: Modern Language Association of America. 1946. xiii & 278 pp. \$3. This work will be cited in the following notes as "Havens"; Rousseau's first discourse will be referred to as *Discours* and the pages and lines cited will be those of the first edition which are indicated in Havens' edition.

have expressed them in that earliest of his important writings.³

The specific thesis of the *Discours* is slightly obscured by the immediate purpose for which it was written. It was composed as an answer to the question raised by the Academy of Dijon whether the restoration of the sciences and arts had contributed to moral betterment. Accordingly, what strikes the reader first is the fact that Rousseau had the courage, in the heyday of the Enlightenment, "to blame the sciences and to praise ignorance" in the interest of morality. Yet the denial of the harmony between civilization and morality is not the specific thesis of Rousseau. It was anticipated by the very question of the Academy of Dijon. It was anticipated above all by a tradition whose most famous representatives would seem to be Montaigne and Seneca and which can be traced, with some degree of justice, to Socrates.⁴ As a matter of fact, what Rousseau calls Socrates' praise of ignorance occupies an important place in the *Discours*, which quotes *in extenso* a pertinent passage from Plato's *Apology of Socrates*. But one has merely to restore the quotation to its immediate context to realize the most obvious difference between the *Discours* and the tradition to which it is related. Rousseau quotes Socrates' censure of the poets and the "artists"; he fails to quote his censure of the politicians.⁵ Far from being directed against the democratic or republican politicians or statesmen, as was Socrates' "praise of ignorance," Rousseau's "praise of ignorance" is even inspired by a republican or demo-

³ "J'ai écrit sur divers sujets, mais toujours dans les mêmes principes" (*Lettre à Beaumont*, p. 437, Garnier ed.; compare *ibid.*, p. 457). See also Rousseau's letter to Malesherbes of January 12, 1762 (Havens, p. 5). Havens rightly says: "Le premier *Discours* [de Rousseau] est la pierre angulaire de toute son œuvre." As to Rousseau's own judgment on the *Discours*, see *Discours*, "Avertissement," and Havens, p. 169 note 24.

⁴ *Discours*, 1-2; 13, 8-14, 5; 30, 10-12; Havens, pp. 25, 64-71, and 167. Also compare *Discours*, 47, 9-15, with Xenophon's *Oeconomicus*, 4.2-3 and 6.5 ff., and *Discours*, 57, 16-19 (the idea of a comparison of agriculture and philosophy) with the subject of the *Oeconomicus* as a whole. Regarding the general thesis of the *Discours*, compare Xenophon's *Cyropaedia*, 1 2.6, *Resp. Lac.*, 2, and *Memorabilia*, iv 7.

⁵ Compare *Discours*, 22, 12-24, 9, with *Apology of Socrates*, 21 b ff. Socrates speaks not of artists but of artisans. The change from "artisans" to "artists" may also be due to Rousseau's democratic intention; it is at any rate in agreement with that intention.

cratic impulse: he attacks the Enlightenment as a pillar of despotism or of absolute monarchy.⁶

Rousseau's view is not unintelligible. That enlightenment is a pillar of absolute monarchy was admitted by the two men who are still popularly considered the greatest defenders of despotism in modern times, Machiavelli and Hobbes. To see this, one has to take into account the fact that Rousseau regards the Enlightenment, which he attacks in the *Discours*, as essentially hostile to religion⁷ and thus by considering the Enlightenment a pillar of despotism he implies that despotism, as distinguished from free government, can dispense with religion. Now, Machiavelli had intimated that whereas free commonwealths absolutely require religion as perhaps their strongest bond, the fear of God can be replaced by the fear of an able prince, and he had described, in the same context, the age of the good Roman emperors, and not the republican period of Rome, as the golden age when everyone could hold and defend any opinion he pleased.⁸ As for Hobbes, whose political demands find their complete fulfilment only in absolute hereditary monarchy, he had taught that the civil order rests on fear of violent death as distinguished from fear of "Powers Invisible," that is, religion. Since the fear of invisible powers naturally endangers the effectiveness of the fear of violent death, the whole scheme suggested by Hobbes requires for its operation the weakening, if not the elimination, of the former kind of fear; it requires such a radical change of outlook as can be brought about only by the diffusion of scientific knowledge. The absolute monarchy favored by Hobbes beyond any other form of govern-

⁶ *Discours*, 6, 6-27; 16, 21 ff.; 21, 1; 28; 54, 18-21 (compare with *Contrat social*, 1 6). See also some later statements by Rousseau on the purport of the *Discours* (Havens, pp. 5, 53, and 172) as well as Diderot's and d'Argenson's comments (Havens, pp. 31 and 33). That Rousseau's praise of Louis XIV in the *Discours* (55, 15-17) is of doubtful sincerity is apparent from a moment's consideration of an earlier passage (*ibid.*, 28, 11-22).

⁷ *Discours*, 36, 8-37, 4; 59, 6-60, 3; 11, 3-16.

⁸ *Discorsi*, I 10-11 (compare I 55). See also Spinoza, *Tractatus politicus*, VI 40 (separation of religion and state in monarchies) and VIII 46 (need for public religion in aristocracies and, by implication, in democracies).

ment is possible, strictly speaking, only as enlightened, and enlightening, monarchy.⁹

The ground for Rousseau's attack on despotism was laid by Montesquieu's *De l'esprit des lois*, which appeared about a year before the *Discours* was conceived. Montesquieu contrasted fear as the principle of despotism with virtue as the principle of democracy. The virtue in question he characterized as political virtue — that is, patriotism or love of equality — and he explicitly distinguished it from moral virtue; he was compelled, however, implicitly to identify political virtue with moral virtue.¹⁰ Montesquieu found the natural home, as it were, of virtue in classical antiquity, and he contrasted the "small souls" of the subjects of the modern monarchies with the human greatness of the citizens of the classical commonwealths.¹¹ He stressed the opposition between classical political science, which took its bearings by virtue, and modern political science, which was attempting to find a substitute for virtue in economics.¹² He dwelled on the inseparable connection between the principle of democracy, on the one hand, and the prohibitions against luxury and against the undue freedom and power of women, on the other.¹³ He indicated that

⁹ *De cive*, x 18-19; *Leviathan*, chs. 12 (pp. 54-57, Everyman's Library ed.), 14 (p. 73), 29 (p. 175), 30 (pp. 180 and 183), and 31 (end). Compare Ferdinand Tönnies, *Thomas Hobbes*, 3rd ed. (Stuttgart 1925) pp. 53-54, 195, and 273-76. For a present-day discussion see Louis Marlo, "Le droit d'insurrection," in *Les doctrines politiques modernes*, ed. by Boris Mirkine-Guetzévitch (New York 1947) pp. 111-34. Marlo says: "... [le] progrès de la science . . . favorise le coup d'état et détruit matériellement et moralement les forces de résistance" (p. 124).

¹⁰ Compare *Esprit*, Avertissement de l'auteur and v 2, with III 3, III 5, and IV 5. The same ambiguity characterizes the thesis of the *Discours* (compare, for example, 20, 3 ff., with 44, 7 ff.). See Havens, pp. 183 note 72, and 200 note 137.

¹¹ Compare *Esprit*, III 3, III 5, IV 4, and XI 13, with the following passages of the *Discours*: 6, 17-18; 20, 3 ff.; 26, 5 ff.; 29, 1 ff.; 47, 9-49, 3; 51 note.

¹² "Les politiques grecs, qui vivaient dans le gouvernement populaire, ne reconnaissaient d'autre force qui pût les soutenir que celle de la vertu. Ceux d'aujourd'hui ne nous parlent que de manufactures, de commerce, de finances, de richesses et de luxe même" (*Esprit*, III 3). "Les anciens Politiques parloient sans cesse de mœurs et de vertu; les nôtres ne parlent que de commerce et d'argent" (*Discours*, 38, 12-15).

¹³ *Esprit*, VII. Compare *Discours*, 6 note, on the connection between luxury and monarchy (for the example of Alexander and the Ichthyophagi, compare *Esprit*, XXI 8), and 37, 12-45, 12.

the cultivation of superior talent is not a primary need, and perhaps no need at all, for democracies.¹⁴ He questioned "the speculative sciences" and "the speculative life" with a view to the demands of a healthy and vigorous republic.¹⁵

To arrive at the theses of the *Discours*, Rousseau merely had to isolate Montesquieu's analysis of democracy, or of republics in general, and to make explicit certain points that Montesquieu had left unstated. It is true, he could not do this without deviating for Montesquieu's teaching as a whole, or without criticizing him.¹⁶ For in spite of all his admiration for the spirit of classical antiquity, Montesquieu oscillated, at least apparently, between the classical republic and the modern (limited) monarchy, or, what is perhaps more precise, between the type of republic represented by classical Rome and that represented by eighteenth-century England.¹⁷ The apparent oscillation was due to his awareness of the problem inherent in "virtue" as a political principle. The demands of virtue are not identical with those of political liberty; in fact, they may be opposed to them. To demand that virtue should rule is likely to be tantamount to demanding a large measure of interference with the private life of the citizens; the demand in question may easily conflict with that indulgence of human whims and weaknesses which Montesquieu seems to have regarded as an integral part of humanity. Observations such as these led him to stipulate that the requirements of virtue be limited by considerations of "prudence" and hence to identify the virtue of the legislator with moderation, which he regarded as a virtue of a lower order. From the point of view of liberty

¹⁴ Compare *Esprit*, v 3 (mediocrity of talents) with *Discours*, 53, 6 ff., and *Contrat social*, iv 3 (equality of talents).

¹⁵ *Esprit*, iv 8, xiv 5 and 7, xxiii 21. Compare also the censure of China in the *Discours* (16, 18-17, 18) with *Esprit*, viii 21.

¹⁶ "Le chevalier Petty a supposé, dans ses calculs, qu'un homme en Angleterre vaut ce qu'on le vendrait à Alger. Cela ne peut être bon que pour l'Angleterre: il y a des pays où un homme ne vaut rien; il y a en a où il vaut moins que rien" (*Esprit*, xxiii 18). "L'un vous dira qu'un homme vaut en telle contrée la somme qu'on le vendroit à Alger; un autre en suivant ce calcul trouvera des pays où un homme ne vaut rien, et d'autres où il vaut moins que rien" (*Discours*, 38, 15-26).

¹⁷ *Esprit*, ii 4, v 19, xx 4 and 7; compare vi 3 with xi 6.

as distinguished from virtue he preferred the English order to that of the classical republics, and from the point of view of humanity as distinguished from virtue he preferred the commercial republics to the military republics. He was thus led, or led back, to the modern approach, which consisted in trying to find a substitute for virtue in the spirit fostered by trade or even in the feudal notion of honor.¹⁸ Rousseau refused, at least at first, to follow Montesquieu in his return, or his adaptation, to the modern principle. While he thus remained faithful to the cause of virtue, he did not prove to be completely impervious to the critique of virtue that motivated Montesquieu's return to modernity.

At any rate, it is not misleading to say that in the *Discours* Rousseau starts by drawing the most extreme conclusions that a republican could draw from Montesquieu's analysis of republics. He directs his explicit and passionate attack not merely against luxury and against the economic approach of modern politics but likewise against "the sciences and the arts," which, he contends, presuppose luxury and foster it. He attacks especially science or philosophy as incompatible in its origin, its exercise, and its effects with the health of society, patriotism, wisdom or virtue. He is consistent enough to praise the Spartans for not having tolerated in their midst arts and artists, as well as science and scholars, and he even praises the Caliph Omar for having ordered the burning of the books of the library of Alexandria.¹⁹ While contending that science as such is immoral, he considers modern science even more dangerous than pagan science. He does not say whether the particular character of modern science is due to the particular character of its origin; he limits himself to indicating that whereas science is normally preceded by ignorance, modern science was preceded by something worse than

¹⁸ *Esprit*, III 5, XI 4, XIX 5, 9-11, 16, XX 1, XXIX 1 (compare III 4). For a discussion of this problem, see, for example, Burke's letter to Rivarol of June 1, 1791, in *Letters of Edmund Burke, A Selection*, ed. by H. J. Laski (Oxford World Classics) pp. 303-04.

¹⁹ *Discours*, 13, 8-14, 5; 17, 2-7; 21, 3-5; 29, 6-11; 32, 7-21; 34, 12-35, 2; 37, 13 ff.; 49, 16-18; 51, 28; 54, 3-18; 60, 15 ff.

ignorance—namely, medieval scholasticism—and to tracing the liberation from scholasticism not to the Reformation but to “the stupid Moslem” (the conquest of Constantinople).²⁰ Realizing the difference between, and the possible opposition of, virtue in the strict sense and political virtue, he occasionally praises, in the spirit of his later attacks on civil society as such, the life of the savages.²¹ The theses of the *Discours* are explicitly based on nothing but historical inductions and philosophical reasoning, that is, on considerations fully accessible to the “natural light.” Although Rousseau’s attack on the Enlightenment partly agrees with the views of the Biblical tradition and though he occasionally defers to these views, his argument is certainly not based on specifically Biblical beliefs.²² One cannot even say that it is based on natural theology. Rousseau introduces one of his most important authorities almost explicitly as a polytheist and he implies that the state of innocence is characterized by polytheism.²³ When he attacks science on the grounds of its detrimental effect on religion, he has in mind “civil religion,” that is, religion considered merely as a social bond.

II

The contemporary critics of Rousseau’s “praise of ignorance” were quite understandably under the impression that he had

²⁰ *Discours*, 4, 7-21; 7, 6-14; 25, 1-5; 37, 18-38, 15; 59, 6 ff. Compare Havens, p. 219 note 196.

²¹ *Discours*, 5, 14-6, 27; 19, 15-24; 44, 7 ff. Compare Havens, pp. 9, 49, 54, 181 note 62.

²² *Discours*, 3, 4-5; 31, 2-4; 32, 1-4; 44, 2-4; Havens, pp. 85, 173 note 33, and 177 note 48. See also the passages indicated in note 7 of this article. Compare the end of note 1 of the *Discours sur l'origine de l'inégalité*. That Rousseau never changed his mind in this respect is apparent, not only from the general statement quoted before (note 3 of this article) but above all from what one may call his last word on the subject. In his *Rêveries d'un promeneur solitaire* he says: “Dans le petit nombres de livres que je lis quelquefois encore, Plutarque [that is, not the Bible] est celui qui m'attache et me profite le plus” (iv, at the beginning). Compare the statement with *Rêveries*, iii.

²³ Compare 44, 7 ff. with 26, 11 (the beginning of the prosopopoeia of Fabricius, that is, of the core of the whole *Discours*). Compare Archbishop Beaumont’s *Mandement*, §7 beginning.

denied all value to science or philosophy and that he had suggested the abolition of all learning. In his rejoinders, however, he declared that they had not understood him and that he considered preposterous the views that were generally attributed to him. Yet, since he had said the things which he practically denied having said, one seems forced to conclude that he had not meant them. According to the editor of the *Discours*, Rousseau had meant only that science must not be preferred to, or made independent of, morality. But, he adds, Rousseau was so carried away by his enthusiasm for virtue or by his rhetorical power as to exaggerate grossly, to maintain a "somewhat puerile thesis" and unconsciously to contradict himself.²⁴ This interpretation might seem to be borne out by the *Discours* itself. Especially toward its end, Rousseau explicitly admits the compatibility of science and virtue. He bestows high praise upon the learned societies whose members must combine learning and morality; he calls Bacon, Descartes, and Newton the teachers of the human race; he demands that scholars of the first rank should find honorable asylum at the courts of princes in order to enlighten the peoples from there and thus contribute to the peoples' happiness.²⁵

The view of Rousseau's intention that Havens adopts—a view that led, and leads, directly to Kant's assertion of the primacy of practical reason—is exposed to a difficulty that I consider insuperable. It is a view suggested by one of the men who attacked

²⁴ Havens, pp. 36, 38, 46, 52, 58, 59, 64, 80, 87, 88, 176 note 45, 179 note 54, 239 note 259, 248 note 298.

²⁵ *Discours*, 55, 4-56, 22; 62, 15-16; 64, 3-65, 6; 24, 10-25, 2. Compare especially 66, 3-12, with the parallels in the "profession de foi du vicair Savoyard." Compare Havens' notes on these passages, as well as Havens, pp. 32-33 and 173 note 35 on the favorable reception of the *Discours* by the *philosophes*. The apparent concessions to the common view seem to be retracted, at least partly, in the final paragraphs (65, 8 ff.). Yet these very paragraphs seem destined to explain why Rousseau had stressed throughout the *Discours* the incompatibility of science and virtue, for by limiting his final suggestion to "the present state of things," he seems to indicate that the general thesis of the *Discours* is valid only so long as society is not radically reformed: only in a corrupt society are science and virtue incompatible. See, however, note 40 below.

the *Discours* shortly after its publication.²⁶ But Rousseau declared about ten years later that none of those who had attacked him had ever succeeded in understanding his crucial thesis.

It cannot be denied that Rousseau contradicts himself. The contradiction confronts us, as it were, on the title page. The title is followed by a motto from Ovid, whose name is added to the motto, and who is condemned in the text of the *Discours* as one of those "obscene authors whose very names alarm chastity."²⁷ To solve the difficulty in a manner that does not do injustice to Rousseau's intelligence or literary ability, one is tempted to suggest that he entrusted the two contradictory theses—the thesis favorable to the sciences and the thesis unfavorable to them—to two different characters, or that he speaks in the *Discours* in two different characters. This suggestion is not so fanciful as it might appear at first sight. In the concluding paragraphs Rousseau describes himself as a "simple soul" or a "common man" (*homme vulgaire*) who as such is not concerned with the immortality of literary fame; but in the preface he gives us clearly to understand that he intends to live, as a writer, beyond his century.²⁸ He draws a distinction between himself who knows nothing and, being neither a true scholar nor a *bel esprit*, is only a common man, and those who teach mankind salutary truths; yet he knows that as the author of the *Discours* (which teaches the salutary truth that the sciences are dangerous) he cannot help also belonging to the second type, that is, to the philosophers or the scientists.²⁹ Just as the *Discours* may be said to have two different authors, it may be said to be addressed to two different audiences. In the concluding section Rousseau makes it clear that in his capacity as a common man he addresses common men. Yet in the preface he

²⁶ Havens, p. 239 note 259. See also Havens, pp. 40-41: Havens asserts, and Rousseau denies, that a certain critic of the *Discours* has "saisi l'état de la question."

²⁷ *Discours*, 15, 13-15.

²⁸ *Discours*, II, 14-16 and 65, 8 ff. It is hardly an accident that that section of the *Discours* which Rousseau wrote immediately after the conception of the work was a *prosopopoeia*.

²⁹ *Discours*, I, 1-11; I, 7-9; 56, 11-22; 64, 19; 65, 8 ff. Compare Havens, p. 201 note 142.

states that he writes only for those who are not subjugated by the opinions of their century, of their country, or of their society, that is, only for true scholars; in other words, he states that the *Discours* is addressed not to "the people" or "the public" but only to "a few readers."³⁰ I suggest, then, that when Rousseau rejects science as superfluous or harmful, he speaks in the character of a common man addressing common men, and when speaking in that character he does not exaggerate at all by rejecting science absolutely. But far from being a common man, he is a philosopher who merely appears in the guise of a common man: as a philosopher addressing philosophers he naturally takes the side of science.

It can be proved that this is the correct interpretation of the *Discours* and therewith fundamentally of Rousseau's thought. In defending the *Discours* against the same critic who may have originated the accepted view of his intention, Rousseau explains the frontispiece of the *Discours* as follows: "The torch of Prometheus is the torch of the sciences which is made for the purpose of inspiring the great minds . . . the satyr who sees the fire for the first time, runs toward it and wishes to embrace it, represents the common men who, seduced by the lustre of the letters, give themselves indiscreetly to studies. The Prometheus who shouts and warns them of the danger is the citizen of Geneva. This allegory is just, beautiful and, I venture to believe, sublime. What shall one think of a writer who has pondered over it and has not succeeded in understanding it?"³¹ Rousseau who warns the common men of the dangers of science is so far from considering himself a common man that he boldly compares himself to Prometheus who brings the light of science, or of the love of science, to the few for whom alone it is destined.

About ten years later Rousseau declares in his *Lettre à M. de Beaumont*: "the development of enlightenment and vice always takes place in the same ratio, not in the individuals, but in the peoples — a distinction which I have always carefully made and

³⁰ Compare *Discours*, 1, 14-II, 16, with 2, 1-5. See Havens, p. 56.

³¹ Compare Havens, pp. 227 note 224 and 247 note 297.

which none of those who have attacked me has ever been able to understand."³² Science is not compatible with the virtue of "the peoples"; it is compatible with the virtue of certain individuals, that is, of "the great minds." Science is bad, not absolutely, but only for the people or for society; it is good, and even necessary, for the few among whom Rousseau counts himself. For, as he says in the *Discours*, the mind has its needs as well as the body; but whereas the needs of the body are the foundations of society, the needs of the mind lead to what is merely an ornament of society; the satisfaction of the needs of the mind is not the one thing needful for society and is for this very reason bad for society;³³ but what is not a necessity for, and hence a danger to, society is a necessity for certain individuals. Since the needs of the body are "the need" par excellence, Rousseau can also say that society is based on "need,"³⁴ whereas science is not, and he can therefore imply that science, being radically "free," is of higher dignity than society. As he put it when defending the *Discours* against its critics, "science is not made for man," "for us," "for man in general"; it is good only for certain individuals, for the small number of true scholars, for "heavenly intelligences." One cannot help being reminded of Aristotle's praise of the philosophic life which is the only free life and essentially transsocial and of which man is capable not qua mere man but qua partaking of the divine.³⁵ It is only to the few who are capable of a life devoted to science that Rousseau seriously wishes to address himself, not

³² ". . . Ces réflexions me conduisirent à de nouvelles recherches sur l'esprit humain considéré dans l'état civil; et je trouvai qu'alors le développement des lumières et des vices se faisait toujours en même raison, non dans les individus, mais dans les peuples: distinction que j'ai toujours soigneusement faite, et qu'aucun de ceux qui m'ont attaqué n'a jamais pu concevoir" (*Lettre à Beaumont*, p. 471, Garnier ed.).

³³ *Discours*, 5, 14-6, 6; 33, 3-9; 34, 15-35, 6. Compare *Lettre à d'Alembert*, p. 121, Fontaine ed.

³⁴ *Discours*, 6, 6-8.

³⁵ *Discours*, 62, 12-14 and 63, 3-10. See Havens, pp. 36, 37, 45, 52, 53, and 60. Compare Aristotle, *Nicomachean Ethics*, 1177 a32 ff. and b26-31, and *Metaphysics*, 982 b25-983 a11.

only in the *Discours*, but in all his writings with the possible exception of the merely apologetic ones.³⁶

The view set forth in the preceding paragraph is confirmed by the *Discours*, although rather by seemingly incidental remarks than by the guiding theses.³⁷ In fact, one of these theses appears to contradict our interpretation, for Rousseau seems to contend in the last section of the *Discours* that science is compatible with society. Actually, however, he does not go beyond saying that the study of science by the very few who are by nature destined for it may be permissible from the point of view of society and even salutary, provided they use their natural gifts for enlightening the people about its duties; and what he manifestly does in the *Discours* is not more than precisely this, namely, enlightening the people about its duties. He does not endorse, he even rejects, the suggestion that the philosopher should make accessible to the

³⁶ "Tout ceci est vrai, surtout des livres qui ne sont point écrits pour le peuple, tels qu'ont toujours été les miens . . . [Quant à *l'Émile*] il s'agit d'un nouveau système d'éducation, dont j'offre le plan à l'examen des sages, et non pas d'une méthode pour les pères et les mères, à laquelle je n'ai jamais songé. Si quelquefois, *par une figure assez commune*, je *parais* leur adresser la parole, c'est, ou pour me faire mieux entendre, ou *pour m'exprimer en moins de mots*" (*Lettres écrites de la Montagne*, v, p. 202, Garnier ed.). See on the other hand *ibid.*, ix, p. 283: "Si je parlais à vous seul, je pourrais user de cette méthode; mais le sujet de ces *Lettres* intéresse un peuple entier . . ." The *Letters* happen to be an apologetic work. See also *ibid.*, iii, pp. 152-53, the distinction between the "hommes sages qui sont instruits et qui savent raisonner" and who alone can have "une foi solide et sûre," on the one hand, with "les gens bons et droits qui voient la vérité partout où ils voient la justice" and who are apt to be deceived by their zeal, as well as "le peuple" "en toute chose esclave de ses sens," on the other.

In the preface to his *Lettre à d'Alembert*, Rousseau makes the following remark which is important for the understanding of the *Discours* in particular: "il ne s'agit *plus* ici d'un vain babil de philosophie, mais d'une vérité de pratique importante à tout un peuple. Il ne s'agit *plus* de parler au petit nombre, mais au public; *ni de faire penser les autres, mais d'expliquer nettement mes pensées. Il a donc fallu changer de style: pour me faire mieux entendre à tout le monde, j'ai dit moins de choses en plus de mots . . .*" (Italics in quoted passages are mine.)

³⁷ "The peoples" are explicitly addressed (29, 18); Rousseau expresses his respect for true scholars (2,5) or for the small minority to whom it is appropriate to erect monuments in honor of the human mind (63, 8-10); he indicates that ignorance is despicable (4, 12-13); he speaks of the populace as unworthy to approach the sanctuary of the sciences (62, 1-4). Above all, he quotes Montaigne's "J'aime à contester et discourir, mais c'est avec peu d'hommes et pour moi" (12 note).

people the philosophic or scientific knowledge itself: science is permissible or salutary only in so far as it is not, as such, a social factor. Its social effect is necessarily disastrous: enlightenment paves the way for despotism. Accordingly Rousseau repeatedly and most emphatically attacks popularized science or the diffusion of scientific knowledge.³⁸ There can be no doubt that in rejecting popularized science Rousseau did not exaggerate, but expressed directly and adequately what he seriously thought.

We must add an important qualification. When Rousseau asserts that there is a natural incompatibility between society and science, he understands "natural" in the Aristotelian sense,³⁹ and he means that genuine science is incompatible with a healthy society. In answering one of the critics of the *Discours* he warns the reader against the conclusion "that one should burn all libraries and destroy the universities and academies *today*" (*italics mine*). In a corrupt society, in a society ruled despotically, science is the only redeeming thing; in such a society, science and society *are* compatible; in such a society the diffusion of scientific knowledge, or, in other words, the open attack on all prejudices is legitimate because social morality cannot become worse than it already is. But Rousseau, who wished to live beyond his time and who foresaw a revolution, wrote with a view to the requirements of a healthy society which might be established after the revolution and which would have to take as its model Sparta rather than Athens. This prospect was bound to influence his own literary activity.⁴⁰

³⁸ *Discours*, II, 6-14; 24, 19-21; 36, 10-37, 11; 59 note; 61, 12-63, 7. "Ne verra-t-on jamais renaître ces temps heureux où les peuples ne se mêlaient point de philosopher, mais où les Platon, les Thalès et les Pythagore, épris d'un ardent désir de savoir, entreprenaient les plus grands voyages *uniquement* pour s'instruire. . ." (*Discours sur l'origine de l'inégalité*, note j; the italics are mine). Compare *Réveries d'un promeneur solitaire*, III, p. 18, and VII, p. 72, Garnier ed.

³⁹ See the motto of the *Discours sur l'origine de l'inégalité*.

⁴⁰ "Il y a des préjugés qu'il faut respecter . . . Mais lorsque tel est l'état des choses que plus rien ne saurait changer qu'en mieux, les préjugés sont-ils si respectables qu'il faille leur sacrifier la raison, la vertu, la justice, et tout le bien que la vérité pourrait faire aux hommes?" (*Lettre à Beaumont*, pp. 471-72, Garnier ed.). For another application of the same principle, see *Lettre à d'Alembert*, pp. 188-90,

Everyone will admit that in the *Discours* Rousseau attacks the Enlightenment in the interest of society. What is commonly overlooked is the fact that he attacks the Enlightenment in the interest of philosophy or science as well. In fact, since he considers science superior in dignity to society, one must say that he attacks the Enlightenment chiefly in the interest of philosophy. When he attacks the belief that the diffusion of scientific knowledge has a salutary effect on society, he is chiefly concerned with the effect of that belief on science. He is shocked by the absurdity of philosophy having degenerated into a fashion or of the fight against prejudice having itself become a prejudice. If philosophy is identical with the liberation of one's mind from all prejudices, the degeneration of philosophy into a prejudice would destroy forever, humanly speaking, the possibility of intellectual freedom.⁴¹

III

Rousseau himself admitted that he did not reveal in the *Discours* the principles underlying that work.⁴² Since the purpose of the work is to warn the people against any contact with the sciences, it would of course have been impossible to stress there the superior dignity of science; to do this would have been tantamount to inviting the people to learning. In other words, since philosophy can become known on the market place only as popu-

Fontaine ed. Compare Havens, pp. 45, 46, 54, and 229 note 232. On Rousseau's anticipation of a revolution, see Havens, pp. 38, 46, and 50.

When Rousseau indicates toward the end of the *Discours* that "in the present state of things" he will not strive for literary fame or attempt to instruct the peoples in their duties he does not mean then that the incompatibility of science and society is due to "the present state of things," but rather that he considers the present situation so hopeless that he cannot perform the social duty of the philosopher beyond what he has been doing in the *Discours*. The statement in question may also reflect a crisis in his self-confidence (see Havens, p. 226 note 222). It was the success of the *Discours* that induced him to continue performing what he considered his social duty by writing the second *Discours*, the *Contrat social*, and *Émile*.

⁴¹ Compare the passages indicated in note 38 above, especially the beautiful passage in the preface: "Tel fait aujourd'hui l'esprit fort et le philosophe, qui, par la même raison n'eût été qu'un fanatique du temps de la ligue."

⁴² Compare Havens, pp. 51 and 56. See also note 36 above.

larized philosophy, a public attack on popularized philosophy inevitably becomes an attack on philosophy *tout court*. Rousseau then exaggerates in the *Discours* by attacking science as simply bad; he does this, however, not because he is carried away by irresponsible zeal or rhetoric, but because he is fully alive to the responsibilities that his principles impose upon him. In a public utterance on the incompatibility of science and society he had, according to his principles, to side flatly with society against science. This is not in contradiction with the fact that the *Discours* is ultimately addressed only to "the few," for every book is accessible, not merely to those to whom it is ultimately addressed, but to all who can read. Nor is our contention at variance with the circumstance that Rousseau revealed in his later writings certain points which he did not reveal in the *Discours*; for by failing to reveal in the later writings certain points which he had revealed in the *Discours*, he succeeded in never revealing his principles coherently and hence fully, nor in speaking through his publications merely to those whom he wanted to reach. It is only by combining the information supplied by the *Discours* with that supplied by Rousseau's later writings that one can arrive at an understanding of the principles underlying each and all of his writings. Whereas the *Discours* does not state clearly the precise qualification of his attack on science, it states more clearly than the later writings the decisive reason why science and society are incompatible.

The foregoing remarks do not agree with the fairly common opinion according to which Rousseau was absolutely frank — an opinion that derives apparently strong support from his protestations of his unbounded sincerity.⁴³ We have therefore to explain as clearly and as briefly as possible Rousseau's views regarding the duty of truthfulness.

Rousseau discusses this subject in the fourth "promenade" of the *Rêveries d'un promeneur solitaire*. The importance of the

⁴³ For example, near the beginning of the *Rêveries* he describes himself as follows: "Sans adresse, sans art, sans dissimulation, sans prudence, franc, ouvert, impatient, emporté. . ."

discussion may easily escape the unwary reader. In the first place, his habits will be confirmed by the artful character of the whole book, which claims to be written in a situation and in a mood in which considerations of prudence have ceased to carry any weight; it claims to be more outspoken even than the *Confessions* since it is said to be written exclusively for the author, who has no longer any thought or hope of reaching his readers. Moreover, the matter to which Rousseau applies his rule of conscience by way of expounding it is of the utmost triviality; he discusses at great length and in the spirit of unusual scrupulousness the question whether an author may pretend that his work is the translation of a Greek manuscript,⁴⁴ and also a number of minor falsehoods which it had been Rousseau's misfortune to utter. As for the rule itself, which he claims to have followed throughout his adult life, it can be reduced to the proposition that the obligation to speak the truth is founded exclusively on the utility of truth. From this it follows that one may not only suppress or disguise truths devoid of all possible utility, but may even be positively deceitful about them by asserting their contraries, without thus committing the sin of lying. Rousseau takes the trouble to add that the few lies he had uttered throughout his adult life were due to timidity or weakness.⁴⁵ It is perhaps more important to note that he limits

⁴⁴ This question is a substitute for the somewhat more relevant question whether Rousseau was entitled to ascribe a certain profession of faith to a Catholic priest. That profession happens to be the central subject of the preceding "promenade."

⁴⁵ ". . . tant d'hommes et de philosophes, qui dans tous les temps ont médité sur ce sujet, ont tous unanimement rejeté la possibilité de la création [sc. de la matière], excepté peut-être un très petit nombre qui paraissent avoir sincèrement soumis leur raison à l'autorité; sincérité que les motifs de leur intérêt, de leur sûreté, de leur repos, rendent fort suspecte, et dont il sera toujours impossible de s'assurer tant que l'on risquera quelque chose à parler vrai" (*Lettre à Beaumont*, p. 461, Garnier ed.). In the same work Rousseau expresses the principle explained in the *Rêveries* as follows: "Pour moi, j'ai promis de dire [la vérité] en toute chose utile, autant qu'il serait en moi" (p. 472; italics mine), and "Parler au public avec franchise, avec fermeté, est un droit commun à tous les hommes, et même un devoir en toute chose utile" (p. 495 note; italics mine). Compare also the statement on the art of changing public opinion in the *Lettre à d'Alembert*, pp. 192 ff., Fontaine ed. Regarding the general question of Rousseau's "prudence," see Havens, pp. 165 note 8 and 177 note 48.

himself to discussing only one kind of the truths that are devoid of all utility, namely, the merely useless truths: he does not say a word about the other kind which would have to be called dangerous truths. But we are entitled to infer from his general rule that he would have considered himself obliged to conceal dangerous truths and even to assert their contraries — assuming that there are such truths.

In the light of this conclusion, we can understand the specific contribution of the *Discours* to the exposition of Rousseau's principles. In the introduction he declares that he takes the side of truth. He does this by teaching the truth that science and society are incompatible. But this is a useful truth. The *Discours* is so far from siding with truth as such that it attacks science precisely because it is concerned with truth as such, regardless of its utility, and hence is not, by its intention, protected against the danger of leading to useless or even harmful truths. And Rousseau contends that all the secrets that nature hides from the people are so many evils against which she protects them; science accessible to the people would be like a dangerous weapon in the hands of a child.⁴⁶ The practical consequence that this assertion entails cannot be evaded by reference to Rousseau's contention that in times of extreme corruption no truth is any longer dangerous, for he wrote for posterity rather than for his own time. To say nothing of the fact that persecution was not precisely extinct in Rousseau's age.⁴⁷

In accordance with the general character of the *Discours* Rousseau maintains the thesis that the scientific or philosophic truth (the truth about the whole) is simply inaccessible rather than that it is inaccessible to the people. He asserts therefore the dangerous character of the quest for knowledge rather than that of knowledge acquired:⁴⁸ the quest for knowledge is dangerous because the truth

⁴⁶ *Discours*, 1, 9-11; 3, 2-5; 29, 11-30; 4, 33, 18-19; 34, 12-13; 36, 5-10; 55, 6-20; 56, 18-22. Compare *Lettre à d'Alembert*, p. 115 note, Fontaine ed.

⁴⁷ See p. 470 and note 45 above.

⁴⁸ The central thesis of the *Discours* is not affected by this incongruity since both contentions lead to the conclusion that quest for knowledge is dangerous to society.

is inaccessible and therefore the quest for truth leads to dangerous errors or to dangerous skepticism.⁴⁹ Science presupposes and fosters doubt; it forbids assent in all cases in which the truth is not evidently known, and it is at least possible that the truth about the most important subjects is not evidently known. But society requires that its members be sure regarding certain fundamentals. These certainties, "our dogmas," are not only not the acquisitions of science, but are essentially endangered by science: they become exposed to doubt because their lack of evidence is brought to light as soon as they are scientifically investigated. They are the objects not of knowledge but of faith. They, or the ends which they serve, are sacred.⁵⁰ It is the faith in the sacred foundations of society, or in that which makes them sacred, that Rousseau has in mind when praising ignorance: he praises ignorance accompanied by reverent assent. It is fundamentally distinguished from the ignorance, also praised by him, which is accompanied by suspense of assent and which may be the ultimate result of the scientific effort. Following a lead given by Rousseau, we may distinguish the two kinds of ignorance as popular ignorance and Socratic ignorance; both kinds are opposed by him to the dogmatism of pseudoscience or of popularized science.⁵¹

Since Rousseau believed that genuine faith could only be the outcome of sound reasoning and would therefore be a privilege

⁴⁹ *Discours*, 11, 14-16; 29, 6-15; 33, 8-34; 60, 1-2.

⁵⁰ If the foundations of society are identical with the civil religion, and if the civil religion is identical with the religion of the Gospels, it follows that the suppression of all books with the exception of the Gospels, or at any rate of all scientific books, might be legitimate. It is the problem implied in the second conditional clause of the preceding sentence that Rousseau indicates by praising the Caliph Omar for having ordered the burning of the books of the library of Alexandria: "... supposez Grégoire le Grand à la place d'Omar et l'Évangile à la place de l'Alcoran, la Bibliothèque auroit encore été brûlée, et ce seroit peut-être le plus beau trait de la vie de cet illustre Pontife" (*Discours*, 60, 23-27). Compare *Acts*, 19: 17-20, and Havens, p. 46.

⁵¹ *Discours*, 36, 20-37, 4; 1, 8-9; 23, 18-24, 14; 34, 6-8; 34, 18-24; 55, 18-20. It should be noted that the true doctrine — namely, that science and society are incompatible — the exposition of which is the purpose of the *Discours*, is based not on faith but on reasoning (see concluding paragraph of Section I of this article).

of the wise, it is preferable to say that according to him opinion rather than faith is the basis of society. In conformity with this position he indicates in the *Discours* that only genuine scholars are not subjugated by the opinions of their century, their country, or their society, whereas the majority of men necessarily are.⁵² We may therefore express the thesis of the *Discours* as follows: since the element of society is opinion, science, being the attempt to replace opinion by knowledge, essentially endangers society because it dissolves opinion. It is fundamentally for this reason, it would seem, that Rousseau considered science and society incompatible. Now, the view that the element of society is opinion becomes dangerous only if quest for knowledge is a human possibility and especially if it is the highest human possibility. Rousseau asserts therefore in the *Discours* that science is bad as such rather than that it is merely bad for society. By expressing the useful truth that he wants to convey in an exaggerated manner, he expresses it in a most reserved manner.

It is advisable to illustrate the reasoning underlying the *Discours* by a few more specific considerations, which are at least intimated in the same work. According to Rousseau, civil society is essentially a particular, or more precisely a closed, society. A civil society, he holds, can be healthy only if it has a character of its own, and this requires that its individuality be produced or fostered by national and exclusive institutions. Those institutions must be animated by a national "philosophy," by a way of thinking that is not transferable to other societies: "the philosophy of each people is little apt for another people." On the other hand, science or philosophy is essentially universal: it is common to all wise men. The diffusion of philosophy or science necessarily weakens the

⁵² *Lettres écrites de la Montagne*, III (see note 36 above). Compare note 30 above. See also the remark in the *Discours* (37, 6-7) that the popularizers of science are enemies of "l'opinion publique." While public opinion is the element and, in a sense, the standard of free society, it becomes questionable from a transpolitical point of view. Compare *Lettre à d'Alembert*, p. 192, Fontaine ed.: "opinion publique" is merely "opinion d'autrui." Compare *Discours*, 65, 18, and *Contrat social*, II 12 and IV 7.

power of the national "philosophies" and therewith the attachment of the citizens to the particular way of life of their community. In other words, whereas science or philosophy is essentially cosmopolitan, society must be animated by the spirit of patriotism, a spirit which is by no means irreconcilable with national hatreds. Political society being essentially a society that has to defend itself against other states, it must foster the military virtues and it normally develops a warlike spirit. Philosophy, on the contrary, is destructive of the warlike spirit.⁵³

Furthermore, free society presupposes that its members have abandoned their original or natural liberty in favor of conventional liberty, that is, in favor of obedience to the laws of the community or to uniform rules of conduct to the making of which everyone can have contributed. Civil society requires conformance, or the transformation of man as a natural being into the citizen; compared with man's natural independence, all society is therefore a form of bondage. But philosophy demands that the philosopher follow his "own genius" with absolute sincerity, or without any regard to the general will or the communal way of thinking; in philosophizing, man asserts his natural freedom. Philosophy and society therefore necessarily come into conflict as soon as philosophy becomes a social factor.⁵⁴

Moreover, free society comes into being through the substitution of conventional equality for natural inequality. The pursuit of science, however, requires the cultivation of talents, that is, of natural inequality; its fostering of inequality is so characteristic that one may even wonder whether the concern with superiority,

⁵³ In the *Discours* Rousseau states the case chiefly from the point of view of society (11, 12-14; 27, 15-17; 45, 10-49, 15) and therefore accepts "the military ideal of the Romans" (Havens, p. 206). But one cannot say that he does this "without criticism" (*ibid.*, 206); in *Discours*, 33, 2-3, he condemns wars as unmistakably as he condemns tyranny. Compare *Discours sur l'origine de l'inégalité*, note j; *Gouvernement de Pologne*, chs. 2 and 3; *Lettres écrites de la Montagne*, 1, pp. 131-33. Garnier ed.; *Contrat social*, II 8 (toward the end); and the first pages of *Émile*. See also Havens, p. 187 note 85.

⁵⁴ *Discours*, 5, 17-6, 2; 63, 3-11. Compare *Gouvernement de Pologne*, ch. 2; *Contrat social*, I 1, 6 and 8; and the first pages of *Émile*.

that is, desire for glory or pride, is not the root of science. Whatever might have to be said about political glory, it is less conspicuous than the glory attending on intellectual achievement — Sparta was less brilliant than Athens — and, above all, society, as such, having its roots in need cannot possibly have its roots in pride.⁵⁵

IV

To say that science and society are incompatible is one thing; to say that science and virtue are incompatible is another thing. The second thesis could be reduced to the first, if virtue were essentially political or social. There can be no doubt that Rousseau frequently identifies virtue with political virtue. Yet, the mere fact that he sometimes attacks civil society, as such, in the name of virtue by praising the virtue of primitive man shows that he makes a distinction between political virtue and another kind of virtue.⁵⁶ This does not mean that his attack on science in the name of virtue, as such, is simply an exaggeration, for it is at least possible that the distinction between two kinds of virtue is only provisional. In his later writings Rousseau explicitly distinguishes between "goodness" and "virtue": goodness belongs to man as a natural being, whereas virtue or morality belongs to man as a citizen, since it essentially presupposes the social contract or convention. The good man as distinguished from the virtuous man is only good for himself, because he is good only as long as he derives pleasure from being good or, more generally expressed, because he cannot do any-

⁵⁵ *Discours*, 53, 6-12. Compare *ibid.*, II, 14-16; 19, 10-11; 21, 17-18; 29, 8; 30, 8-17; 32, 12-13; 41, 1-2; 41, 11-14; 65, 8-11; 66, 11-14; Havens, pp. 211 note 172, 223 note 215, 226 note 222; *Contrat social*, I 9 (end) and II 1.

⁵⁶ Compare notes 10 and 21 above. *Discours*, 14, 1-15; 21, 17-21; 26, 5-28, 10. Compare 49, 18, with 50, 2-3 and 51, 3 ff.; compare 8, 18-19 ("la vertu est la force et la vigueur de l'âme") with 47, 9-15 and *Gouvernement de Pologne*, ch. 4 ("à cette vigueur d'âme, à ce zèle patriotique. . ."). What Rousseau says about the incompatibility of science and political virtue must not be mistaken for, indeed it belongs to an entirely different level from, what he says about the incompatibility of the teaching of the Gospels, or of humanity in the sense of the Gospels, and patriotism. For the teaching of the Gospels is as much a teaching of duties as is the teaching of political society. The conflict between Christianity and political society is an intramoral conflict, whereas that between science and society is not.

thing which he does not do with pleasure. A being is good to the extent to which he is self-sufficient, "solitary," or not in need of others and hence absolutely happy. A man who is good and not virtuous is therefore unfit for society or for action. In the most important case he will be a *contemplatif solitaire* who finds in the joys and raptures of pure and disinterested contemplation — for example, the study of plants in the spirit of Theophrastus — perfect happiness and a godlike self-sufficiency. A man of this kind, that is, the philosopher, in so far as he is exclusively concerned with learning as distinguished from teaching, is a useless member of society because he is exclusively concerned with his own pleasures, and "every useless citizen may be regarded as a pernicious man."⁵⁷

We note in passing that it is somewhat misleading to say that according to Rousseau virtue is an active quality, whereas goodness is merely passive. This description fits only one type of goodness, the goodness of the presocial or primitive man who is "a stupid animal." It does not quite fit the goodness of the man who is good and at the same time wise. The latter's not being active or even his being "idle" means that he has withdrawn from the hustle of the active life and devotes himself to solitary contemplation. In other words, one misunderstands Rousseau's notion of natural goodness if one does not bear in mind the fact that it refers to two different types, who stand at the opposite poles of humanity (the primitive man and the wise) and who yet belong together as natural men, as self-sufficient beings, or "numerical units," in contradistinction to an intermediate type, the citizen or social man, that is, the man who is bound by duties or obligations and who is only

⁵⁷ *Discours*, 35, 4-6; *Réveries*, v-vii; *Contrat social*, I 8 and III 4; *Émile*, iv, vol. 1, p. 286, and v, vol. 2, pp. 274-75, Garnier ed. Compare note 38 above, as well as Havens, pp. 183 note 74 and 172 note 32. "Wer wollte nicht dem im höchsten Sinne verehrten Johann Jakob Rousseau auf seinen einsamen Wanderungen folgen, wo er, mit dem Menschengeschlecht verfeindet, seine Aufmerksamkeit der Pflanzen- und Blumenwelt zuwendet und in echter gradsinniger Geisteskraft sich mit den stillreizenden Naturkindern vertraut macht" (Goethe, "Der Verfasser teilt die Geschichte seiner botanischen Studien mit," in *Goethes morphologische Schriften*, selections by Troll, Jena 1926, p. 195). It does not seem that the importance of Rousseau's *Réveries* for Goethe's work as a whole, and in particular for the *Faust*, is sufficiently appreciated.

a "fractionary unit."⁵⁸ It is the function of Rousseau's autobiographical statements to present to the reader an example of, and an apology for, the natural or good man who is, or is becoming, wise without being virtuous.

To return to our argument, it is as a radically selfish pursuit of pleasure that Rousseau in his capacity as citizen of Geneva attacks philosophy or science at the beginning of his career, in the *Discours*.⁵⁹ At its end, in the *Rêveries*, he openly confesses that he himself has always been a useless member of society, that he has never been truly fit for civil society, and that he has found perfect happiness in the pleasure of solitary contemplation. In tacit reference to what he had indicated in the *Discours* about the connection between society and the needs of the body, he says in the *Rêveries* that nothing related to the interest of his body could ever truly occupy his soul. But even there, or rather precisely there, he feels obliged to excuse his life before the tribunal of society by explaining how the way of life which was really his own, and hence his happiness, had been forced upon him by his misfortunes: cut off from society by the malice of men, from pleasant dreams by the decline of his imagination, from thinking by the fear of thinking of his sufferings, he devoted himself to the sweet and simple pleasures of the study of botany.⁶⁰ Since he now admits

⁵⁸ *Rêveries*, VIII, p. 80, Garnier ed., and VII, pp. 64 and 71; *Émile*, I, vol. 1, p. 13, Garnier ed. Compare Havens, p. 184 note 74. The notion connecting "natural man" with "wise man" is "genius" (compare *Discours*, 10, 1; 61, 20; 62, 13-14 and 19; 63, 5-11; Havens, p. 227 note 224). *Émile*, who is called a natural man, is an "esprit commun" or "homme vulgaire" (see pp. 463-64 of this article) who as a child comes as near to a natural man as a future citizen could come; that is to say, he is only an approximation to a natural man. Compare *Émile*, I, vol. 1, pp. 16 and 32. Compare Montesquieu, *De l'esprit des lois*, IV 8: "les sciences de speculation . . . rendent [les hommes] sauvages."

⁵⁹ A life devoted to science is irreconcilable with a life devoted to duty (33, 3-9); science as "agréable" is distinguished from what is "utile" or "salutaire" (54, 11-12; 56, 21-22; 53, 15-16; 5, 14-22; 36, 7-10); there is a necessary connection between science, on the one hand, idleness and luxury, on the other (37, 14-18; 34, 15-16; 36, 11-12). Compare *Lettre à d'Alembert*, pp. 120, 123, and 137, Fontaine ed.

⁶⁰ *Rêveries*, V-VII. Compare especially the remarks on the idleness of the *contemplatif solitaire* Rousseau (pp. 46, 64, and 71, Garnier ed.) with *Émile*, III (vol. 1, p. 248, Garnier ed.) where we read: "tout citoyen oisif est un fripon." Compare *Rêveries*, VII, p. 68, with *Discours*, 5, 14 ff.

that he himself, the citizen of Geneva, is, and always was, a useless citizen, he can no longer with propriety allow society to regard him as a pernicious man: whereas in the *Discours* he had said that "every useless citizen may be regarded as a pernicious man," he says in the *Réveries* that his contemporaries have done wrong, not in removing him from society as a useless member, but in proscribing him from society as a pernicious member. His last word on his central theme would then seem to be that science and citizenship are indeed irreconcilable, but that society can afford to tolerate a few good-for-nothings at its fringes, provided that they are really idle, that is, do not disturb society by subversive teachings — in other words, provided society does not take cognizance of them or does not take them seriously.⁶¹

v

Having reached this point we have still to face the greatest difficulty to which our attempt at a consistent understanding of Rousseau's intention is exposed. How can the conclusion at which we have arrived be reconciled with Rousseau's admission that science and virtue are compatible in superior minds or that they are incompatible only in "the peoples"? How can his admission that he was always a useless member of society, and in fact unfit for society or for a life of virtue and duty, be reconciled with his public spirit and sense of duty as evidenced by his political writings and by his conviction that the understanding reader of the "Profession de foi du vicaire Savoyard" would "bless a hundred times the virtuous and firm man who had dared to instruct mankind in this manner?"⁶² One may answer, indeed one must answer, that the natural antagonism between science and society, or between science and virtue, does not preclude the possibility that science and society may be brought into some kind of agreement by violence, that is, the possibility that the philosopher can be forced by society, or by

⁶¹ This view is already indicated in the *Discours* (36, 11-16). Compare *ibid.*, 35, 2-6, with *Réveries*, VI (end).

⁶² *Lettres écrites de la Montagne*, I, p. 124, Garnier ed. Compare note 40 above.

himself as a citizen, to put his talents to the service of society⁶³ by teaching the peoples their duties while refraining from teaching them philosophy or science. But this answer is clearly insufficient. Rousseau did not limit himself to teaching the peoples their duties; he rather taught them their rights. His political teaching is not a popular or civil teaching; it is indubitably a philosophic or scientific teaching. His political teaching is a part of the whole edifice of philosophy or science, presupposing natural science and crowning it.⁶⁴ If society and science are incompatible, if science must not in any circumstances become a social factor, social science, which is intended to be a practical teaching, would seem to be impossible. How then is Rousseau's own political philosophy possible on the basis of his view of the relation of science and society?

Rousseau admits that in a corrupt society (such as the one in which he lived) only science, and even general enlightenment, can provide man with a measure of relief. In a society where it is no longer necessary or desirable that any prejudices be respected, one may freely discuss the sacred foundations of society and freely seek not merely for remedies of the prevailing abuses, but for what would be simply the best solution to the political problem.⁶⁵ Under such conditions the direct and scientific presentation of that solution would at its worst be an innocent pastime; but assuming that there is a prospect of a revolution, the new political science might prepare public opinion not merely for the restoration of a healthy society, but for the establishment of a more perfect society than ever existed before.

⁶³ Compare Plato's statement of the problem in the *Republic*, 519, c4-520 b4, with *Discours*, 56, 1-11 and 57, 1-6.

⁶⁴ Regarding Rousseau's view of the place and the character of political philosophy, see *Discours*, 3, 10-4, 3 (compare Havens' notes) and the beginning of the preface to the *Discours sur l'origine de l'inégalité*.

⁶⁵ Compare p. 467 of this article. Rousseau's thesis is a modification of the more common view according to which private men are not allowed to dispute what would be the best political order for the society to which they belong. Compare Calvin, *Institutio*, iv 20 §8 (vol. 2, p. 521, Tholuck ed.), and Hobbes, *Leviathan*, ch. 42 (p. 299, Everyman's Library ed.).

From Rousseau's point of view the problem of society cannot be clearly seen and hence truly solved except on the basis of that radical criticism of society or of that fundamental reflection on the relation between society and science with which we have been hitherto concerned. The fundamental reflection reveals society as essentially a kind of bondage; the antagonism between science and society is the most important example of the antagonism between natural liberty and man-made bondage. The natural independence of man over against society determines the general character of the best solution to the political problem: the best solution is a society in which man remains as free as possible.

To discover the precise solution, Rousseau proceeds as follows. Like Hobbes and Locke, he finds the sufficient natural basis of society in everyone's natural desire for self-preservation. As soon as man's faculties have developed beyond a certain point he is unable to preserve himself without the aid of others. The foundations of society are then really not more than the needs of the body, the selfish and most pressing needs of each individual. It is these needs that immediately motivate the concern with freedom: no superior can be presumed to have the same interest in the individual's self-preservation as the individual himself. To enjoy the advantages of society everyone must accept its burdens; everyone must submit his own will, which is directed toward his own good, to the general will, which is directed toward the common good. Freedom in society is possible only within these limits. Man is free in the political sense if he is subject only to the impersonal will of society, and not to the personal or private will of any other individual or group of individuals. To avoid any kind of personal dependence or any kind of "private government," everyone and everything must be subjected to the social will, which expresses itself only in the form of general laws to the establishment of which everyone must have been able to contribute by his vote. Rousseau knew very well that "the total alienation of each associate with all his rights to the whole community," or the complete submission of the private will to the general will, in order to be reasonable

or legitimate requires that a number of conditions be fulfilled which rarely are fulfilled. The real difficulty to which his doctrine of the general will is exposed, the difficulty to which it is exposed on the level of the question it is meant to answer, is expressed by these two questions: How can the general will which is always well intentioned since it is always directed toward the good of society, be presumed to be always enlightened about the good of society? And how can the transformation of natural man, who is guided exclusively by his private will, into the citizen, who unhesitatingly prefers the general will to his private will, be effected?⁶⁶

Now, according to Rousseau, this problem can only be stated by political philosophy; it cannot be solved by it; or, more precisely, its solution is endangered by the very political philosophy that leads up to it. For its solution is the action of the legislator or of the "father" of a nation, that is, of a man of superior intelligence who by ascribing divine origin to a code which he has devised, or by honoring the gods with his own wisdom, induces the citizen body to submit freely to his code. This action of the legislator is necessarily endangered by philosophy, since the arguments by which the legislator has to convince the citizens of his divine mission, or of the divine sanction for his laws, are necessarily of doubtful solidity.⁶⁷ One might think that once the code were ratified, a "social spirit" developed, and the wise legislation accepted on account of its proved wisdom rather than its pretended origin, the belief in the divine origin of the code would no longer be required; but this suggestion overlooks the fact that the living respect for old laws, "the prejudice of antiquity," which is indispensable for the health of society, can only with difficulty survive the public "debunking" of the accounts regarding their origin. In other words, the transformation of natural man into the citizen is a problem coeval with society itself, and therefore society has a continuous

⁶⁶ "Les particuliers voient le bien [sc. public] qu'ils rejettent; le public veut le bien qu'il ne voit pas. . . Voilà d'où naît la nécessité du législateur" (*Contrat social*, II 6).

⁶⁷ Compare in this connection Rousseau's discussion of the problem of miracles in the *Lettres écrites de la Montagne*, II-III.

need for at least an equivalent for the mysterious and awe-inspiring action of the legislator. The legislator's action, as well as its later equivalents (traditions and sentiments), serve the purpose of "substituting a partial and moral existence for the physical and independent existence which we have received from nature." Only if the opinions or sentiments engendered by society overcome, and as it were annihilate, the natural sentiments, can there be a stable and healthy society.⁶⁸ That is to say: society has to do everything possible to make the citizens oblivious of the very facts that are brought to the center of their attention, as the foundations of society, by political philosophy. Society stands or falls by a specific obfuscation against which philosophy necessarily revolts. The problem posed by political philosophy must be forgotten, if the solution to which political philosophy leads shall work.

This intelligible, if uncomfortable, position could satisfy Rousseau who had the "well-contrived head for which doubt is a good cushion." The easiest way out of this predicament, the way that "the next generation" could not help choosing, was to accept his final and practical solution (his "rediscovery of the community," his notion of the general will, the primacy of conscience or of sentiment and tradition) and to throw overboard, or to forget, his theoretical premise ("the state of nature," the independent individual, the primacy of theoretical reason). The simplest solution of Rousseau's problem is the "romantic" solution. It may be said to be a genuine solution since it consists precisely in doing what Rousseau himself demanded for the era following the establishment, or restoration, of a true society—namely, in forgetting the "individualistic" premise and keeping all one's thoughts and wishes within the compass of man's social life. The price, which has to be

⁶⁸ *Contrat social*, II 6 and 7; III 2 and 11. In the chapter on the legislator (II 7) Rousseau clearly refers only to Moses and Mohammed as examples of legislators; but he clarifies his position sufficiently by quoting in one footnote a passage from Machiavelli's *Discorsi* and by praising in another footnote the theologian Calvin (the legislator of Geneva) as a statesman of the first order. Compare Plato, *Laws*, 634 d7-e4 (757 d-e and 875 al-d5), and Aristotle, *Politics*, 1269 a15 ff. (also *Metaphysics*, 995 a3-6 and 1074 b1-14).

paid for it, is, directly or indirectly, the subordination of philosophy to society, or the integration of philosophy into "culture."

It is true of course that Rousseau's doctrine of the legislator is meant to clarify the fundamental problem of society rather than to suggest a practical solution for modern Europe, except in so far as that doctrine adumbrates Rousseau's own function. The precise reason why he had to go beyond the classical notion of the legislator was that that notion is apt to obscure the sovereignty of the people, that is, to lead, for all practical purposes, to the substitution of the supremacy of the law for the full sovereignty of the people. The classical notion of the legislator is irreconcilable with the demand, so strongly made by Rousseau, for periodic appeals from the whole legal and constitutional order to the sovereign will of the people, or from the will of past generations to the will of the living generation.⁶⁹ Rousseau had, therefore, to find a substitute for the action of the legislator, a substitute that would be compatible with the highest possible degree of freedom of the people. According to his final suggestion, the most fundamental function originally entrusted to the legislator,⁷⁰ namely, the transformation of natural man into the citizen, has to be discharged by a civil religion of the kind described from somewhat different points of view in the *Contrat social*, on the one hand, and in *Émile*, on the other. We need not go into the question whether Rousseau himself believed in the religion he presented in the profession of

⁶⁹ *Contrat social*, III 18. (For the interpretation consider Paine, *Rights of Man*, pp. 12 ff., Everyman's Library ed.). Compare *The Federalist*, ed. by E. M. Earle (Washington: National Home Library Foundation) no. 49, pp. 328-39: frequent appeals to the people prevent opinion, or the prejudices of the community, from acquiring the necessary strength.

⁷⁰ Regarding the other problem that the legislator has to solve, namely, the enlightening of the general will about its objects, Rousseau seems to have believed that not its solution, but indeed a prerequisite for its solution in a complex society is supplied by a political system that favors the wealthy and the rural population over against *la canaille*. This political demand transforms the egalitarian implication of his doctrine of the general will into something comparable to the "sophisms" of classical politics. (Compare Aristotle, *Politics*, 1297 a14 ff., and Xenophon, *Cyropaedia*, I 2.15.) That Rousseau was aware of this can be seen from what he says in approving the constitutional changes effected by Servius Tullius (*Contrat social*, IV 4; compare *ibid.*, III 15).

faith of the Savoyard vicar, a question that cannot be answered by reference to what he said when he was persecuted on account of that profession. What is decisive is the fact that according to his explicit view of the relation of knowledge, faith and "the people," the citizen body cannot have more than opinion regarding the truth of this or any other religion. One may even wonder whether any human being can have genuine knowledge in this respect since, according to Rousseau's last word on the subject, there are "insoluble objections" to the religion preached by the Savoyard vicar.⁷¹ Therefore every civil religion would seem to have, in the last analysis, the same character as the legislator's account of the origin of his code, in so far as both are essentially endangered by the "dangerous pyrrhonism" fostered by the rigorous demands of philosophy or science: the "insoluble objections," to which even the best of all religions is exposed, are dangerous truths. Rousseau's personal horror, and impatience, of intolerance is primarily responsible for the fact that he did not dwell in his writings subsequent to the *Discours* on the consequences that this view entails.

VI

Rousseau maintained then, to the last, the thesis that he had set forth most impressively at the beginning of his career. That thesis, to repeat, is to the effect that there is a fundamental disproportion between the requirements of society and those of philosophy or science. It is opposed to the thesis of the Enlightenment, according to which the diffusion of philosophic or scientific knowledge is unqualifiedly salutary to society, or more generally expressed, there is a natural harmony between the requirements of society and those of science. One can trace Rousseau's thesis directly to Descartes' distinction between the rules regarding the

⁷¹ *Rêveries*, III, pp. 23 and 27, Garnier ed.; *Lettre à Beaumont*, p. 479, Garnier ed.; *Lettres écrites de la Montagne*, I, pp. 121-36, Garnier ed., and IV, p. 180. Compare notes 36 and 45 above. For the question of "insoluble objections," compare Leibniz, *Théodicée*, *Discours préliminaire*, §§24-27.

reform of one's own thoughts and those regarding the reform of society.⁷² But considering the facts that Descartes' relation to the Enlightenment is ambiguous as well as that Rousseau attacks modern politics in the name of classical politics, it is preferable to understand Rousseau's thesis as a restatement of the view underlying classical political philosophy, and his attack on the thesis of the Enlightenment as a part, although the most important part, of his attack on modern politics in the name of classical politics.⁷³ It may therefore be permissible to conclude our essay on Rousseau's intention with a cursory consideration of the relation of his political philosophy to classical political philosophy.

For the proper understanding of that relation, one must disregard the accidental difference, which is due to the difference in the social status of philosophy in the classical period, on the one hand, and in that of Rousseau, on the other. The classical statements about science and society, especially those of Plato, still had to serve the purpose of combating a common prejudice against philosophy, whereas Rousseau had to fight perhaps an even more dangerous prejudice in favor of philosophy: by his time, philosophy had become not merely a generally revered tradition, but a fashion. In order to grasp the essential difference, it is advisable to start as follows. The basic premise of classical political philosophy may be said to be the view that the natural inequality of intellectual powers is, or ought to be, of decisive political importance. Hence the unlimited rule of the wise, in no way answerable to the subjects, appears to be the absolutely best solution to the political problem. This demand is obviously irreconcilable for all practical purposes with the character of the political community. The disproportion between the requirements of science and those

⁷² *Discours de la méthode*, II-III. Descartes is mentioned in the *Discours* twice (34, 19 and 62, 15). Compare also *ibid.*, 63, 6 ("marcher seuls"), with *Discours de la méthode*, II (Adam-Tannéry 16, 30).

⁷³ Regarding Rousseau's relation to classical politics, compare the passages indicated or quoted in notes 5, 11, 12, 20, 22, 35, 39, 63, and 68 above. Compare the explicit reference to Plato's *Republic* in *Discours*, 41 note, and to the *Laws*, *ibid.*, 19 note.

of society leads to the consequence that the true or natural order (the absolute rule of the wise over the unwise) must be replaced by its political counterpart or imitation, which is the rule, under law, of the gentlemen over those who are not gentlemen.

The difficulties to which this doctrine as a whole is exposed have tempted political thinkers from very early times to take the natural equality of all men as a starting point for their reflections. These attempts gained considerably in significance when the natural character of the inequality of intellectual capacities was explicitly questioned, and therewith the stronghold of the classical position was attacked as a consequence of the emergence of a heightened belief in the virtue of method as distinguished from natural gifts. It is this radical change that led to the Enlightenment attacked by Rousseau. In opposition to the Enlightenment he reasserts the crucial importance of the natural inequality of men with regard to intellectual gifts.⁷⁴ But he avoids the political consequences that the classics drew from this principle, by appealing to another classical principle, namely, the disproportion between the requirements of science and those of society: he denies that the conclusion from the fact of natural inequality to the demand for political inequality is valid. The disproportion between the requirements of science and those of society permits him to build a fundamentally egalitarian politics on the admission, and even the emphatic assertion, of the natural inequality of men in the most important respect. One is tempted to say that Rousseau was the first to meet Plato's and Aristotle's challenge to democracy on the level of Plato's and Aristotle's reflections, and that it is this fact that accounts for his unique position in the history of democratic doctrine.

It goes without saying that the relation between Rousseau and the classics is not exhausted by that part of the discussion which is carried on by Rousseau on the level of classical political philosophy. Rousseau makes a radical departure from classical political

⁷⁴ Compare *Discours*, 61, 20; 62, 13-14 and 19; 63, 5-11; compare also the end of the *Discours sur l'origine de l'inégalité* as well as *Contrat social*, 19 and 11 1.

philosophy by accepting the principle of Machiavelli's criticism of classical political philosophy and by building his doctrine on modern natural science. He is thus led to replace the classical definition of man as the rational animal by the definition of man as a free agent, or the idea of human perfection by that of human perfectibility, to exaggerate the distinction between political virtue and genuine virtue into the opposition between virtue and goodness, and, last but not least, to initiate the fateful combination of the lowering of the moral standards with the moral pathos of "sincerity." All the serious difficulties with which the understanding of Rousseau's teaching remains beset, even if the principle suggested in the present article is accepted, can be traced to the fact that he tried to preserve the classical idea of philosophy on the basis of modern science. Only in a few cases is there any need for recourse to his private idiosyncrasies to clear up apparent or real contradictions in his teaching. In particular, I do not wish to deny that on a few occasions his irritable *amour-propre* may have blurred his amazingly lucid vision.⁷⁵

⁷⁵ Compare *Discours*, 29, 1-5.

FRANCISCO DE VITORIA AND THE INTERNATIONAL COMMUNITY

BY FERNANDO DE LOS RIOS

I

THE sixteenth century, decisive in so many ways for the spiritual development of Western culture, also produced that political phenomenon known as "*la preponderance espagnole*"—so designated not only because of Spain's hegemony in Europe but also as a result of the discovery of the American continent and Spain's subsequent expansion from California and New Mexico to Patagonia. The full flood of the Renaissance within Spain stimulated the intellectual forces and the aspirations of the Spaniards so intensely that one has the impression from reading the documents of the epoch that they were trying to discover in the immanent life a new man and a new spiritual kingdom. The so-called *Aumbrados* (Enlightened), *Iluminados* (Illuminated), and Erasmists became the center of many spiritual movements. The translation of Erasmus' *Enchiridion* had been an unprecedented success and the Erasmists counted among their number church and state dignitaries as well as distinguished scholars.

It is not irrelevant to stress the fact that in appreciation of his appointment as a member of Charles v's council, Erasmus wrote *Institutio Principis Christiani* (*The Institution of the Christian Prince*), which is entirely devoted to describing the necessary education for a prince and the duties he must undertake. When this booklet appeared, Machiavelli's *The Prince* had not yet been published; it was later to express an attitude quite opposed to that adopted by Erasmus—realism and power politics versus a humanistic concept and faith in the fruits of a general social education. "If this is done," Erasmus wrote with reference to his recommendations, "there will be no need for many laws of punish-

ment, for the people of their own accord will follow what is right" (Chapter III). And repeatedly here and there he stated that "the duty of a Christian prince is to keep the peace and the aim of his education is to fit him to keep the peace" (Chapter XI). But the turmoil of that seething era was not propitious for the achievement of such a dream.

When the elements hostile to Erasmus considered themselves strong enough to start the struggle against him — the most outstanding personality in the humanistic Christian stream of the epoch — they broke loose, and chose Spain as the field of battle. Why? Because it was the political center of gravity in Europe; because it was the country of the Caesar of that day; and because, in so far as Spain, like Erasmus, was trying to achieve reformation without revolution, it was worth-while to attempt to avert reform by creating an atmosphere of threats and revolution.

The defenders of the Erasmian doctrine included such powerful figures as the Emperor himself; Baltasar Carranza, the Archbishop of Toledo, Confessor of Charles V; the Grand Inquisitor, Archbishop of Seville; Don Alonso Manrique, his secretary; Doctor Luis Nuñez Coronel; and the brothers Alfonso and Juan de Valdés, of whom the former was secretary to the Emperor and very closely connected with Melanchthon in the effort to find a middle way between the reformers and the Roman orthodoxy, and the latter was friendly with Sebastian Castiglione, who became the promoter of religious tolerance. Also supporters of Erasmus were most of the intellectually elite of Spain, who found in his immanentism the subjectivism of religion so congenial to Spanish stoicism. Among them were that great humanist, Juan de Vergara, and the Benedictine, Fr. Alonso de Virués. And against these? The bulk of the monks and their followers — the masses, the people.

According to a Dominican scholar, Fr. Alonso Getino, in a book published some years ago, the question reached its climax in 1527 when social pressure forced the monarch to call an assembly in Valladolid to decide on the orthodoxy of Erasmian doctrine. Luis Vives, a young Spaniard for whom Erasmus showed his high esteem

and admiration from the moment of their first meeting, was deeply interested in the question both as a Spaniard and as a humanist. He exhorted Erasmus to write immediately to Francisco de Vitoria, formerly a professor at the University of Paris and at that time professor of *prima theologia* at Salamanca (*prima* meaning that the lectures were delivered at six o'clock in the morning). Vitoria obviously would have to play an important role in the assembly and, indeed, he did play it. The universities of Alcalá, Salamanca, and Valladolid sent their most celebrated theologians; the monastic orders sent their most fully authorized representatives. Thus began the duel between the defenders of an inward Christianity, inclined toward the conception of what was later to be called the Church Invisible, and those partisans of the Church Visible who sought to avert any change in the existing order. The theologians representing Alcalá sided with Erasmus, those of Salamanca were against him, and the Valladolid representatives appeared to be divided between the two factions. Francisco de Vitoria, although rather severe in his adverse judgment of the orthodoxy of Erasmus, did not accentuate his opposition, possibly because of his desire to find a peaceful solution. The assembly was unable to fulfil its mission, partly because the outbreak of a pestilence forced the gathering to dissolve, but mainly because the receipt of an apostolic brief of July 16, 1527, put an end to any further discussion of Erasmus' work.

Many people saw in Vitoria's position the possibility of peace. Aware of the disastrous consequences to culture if Christianity should become disunited, in 1529 Vives wrote at Bruges his great book, *De concordia et discordia*, dedicated to Charles v, Caesar Auguste. How impressive it is to reread that work in these momentous years! "As a result," Vives wrote, "of the unbelievable number of wars loosed over Europe, the catastrophies she has suffered have been so great that she needs almost total rehabilitation. But nothing is so urgently needed as peace and concord extended to the whole of mankind. . . The land is devastated and deserted, the buildings are in ruins; of the cities, some are destroyed and others

depopulated; food is scarce and the prices are fabulous; habits are depraved; culture has fallen into lethargy and is almost dying; morals are so corrupt that crimes are considered meritorious." Speaking in direct terms to the Emperor Charles, he demanded of him that he look to eternal values and found something lasting, "something that the world is longing for because it needs it sorely; first, a sure and firm peace among the princes; second, a single criterion among them."¹ A single criterion — that is, an objective principle that could become the keystone of international standards and judgments. In a word, what we today, four centuries later, are trying to find and assure.

II

The position taken by Vives may be clarified by an analysis of the thesis developed by Vitoria in his lectures at the University of Salamanca between the academic years 1526-27 and 1538-39. Those most pertinent to our problem are *De potestate civili*, *De potestate papae et concilii*, *De Indis*, and *De jure belli*, the first delivered in 1528, the second in 1534, and the last two in 1539. A storm of protest followed their delivery, with both the Pope and the Emperor registering vigorous objections. Charles v had consulted Vitoria on the two main questions of that time. One was what attitude to take toward Henry VIII of England with regard to his divorce from Catherine of Aragon, aunt of Charles v. The other was what to think of the problem arising from the conquest of America, how to deal with the native inhabitants of the New World, and where to find a criterion for discriminating between which actions were justifiable and which should be prohibited. The consultations between Charles v and Vitoria had, of course, been secret and it was considered that the latter's answers should have remained so. Vitoria, however, like many other Spanish thinkers, was deeply interested in the moral and juridical problems raised by the questions concerning the Indians and the conquerors, as well

¹ Vives, *De concordia et discordia*, trans. by L. Sanchez Gallego (Mexico, D. F., 1940) pp. 63-69.

as by the peace of Europe and the ruin wrought by the frequent wars. He waited some years, but when he finally reached the conclusion that it was morally unfair to remain silent, he set forth before his numerous students, in organic and systematic form, the series of problems implied in the question of the Indians, so passionately discussed at that time among the Spaniards. The lectures immediately won wide renown and provoked extensive discussion among the members of the court. Charles v, in a letter signed and dated November 10, 1539, prohibited not only the publication of the *Relectiones* but also all public discussion of the problems concerning America, as harmful to the interest of the Crown and consequently "scandalous." The Pope likewise was very dissatisfied with the doctrines defended by Vitoria and thus when Vitoria died in 1546, the imperial prohibition remained in force. It was not until 1557, when Jacobus Boyerius undertook the work in Lyon, that the already famous *Relectiones* were published for the first time.²

Instead of starting the explanation of his system with the idea of *jus* and *justitia*, Vitoria began his research with *potestas* and *jurisdictio* in the Church, *potestas* meaning *auctoritas* and *jurisdictio* signifying all that concerns the government (of "*corpus Christi mysticum in ordine ad beatitudinem supernaturalem*"). That is, the Church, by the very fact of its existence, exerts a certain tutelage over Christians. By no means, however, can this be interpreted as a surreptitious way of submitting the entire civil life to the direction of the Church. On the contrary, it is precisely on this point that the division between *postestas civilis* and *postestas ecclesiastica* occurs; the former proceeds from the *respublica* and serves to accomplish what constitutes its natural aim; the latter trans-

² Jacobus Boyerius (or Santiago Boyer) was not only a French publisher but a bookseller in Salamanca. The book, printed with a "*privilege du Roy*" is dedicated to Ferdinando Valdesio, Archbishop of Seville, "*Supremo in regnis Hispaniarum Inquisitori*." It was very usual in all countries at that time to seek the protection of a lightning rod. See *Relecciones teológicas del Maestro Fray Francisco de Vitoria*, ed. by P. Mtro. Fr. Luis G. Alonso Getino, and containing facsimiles of the codes (Madrid 1933) vol. 1, introduction.

cends all terrestrial authorities. It is evident to Vitoria that the *potestas spiritualis* is more eminent (*praestantior et eminentior*) than the *civilis*, but that is no obstacle to asserting the independence and sovereignty of the King: first, because *Papa non est orbi Dominus* (the Pope is not king of the world); second, because it is recognized that the Pope has received certain lands from the Emperor; third, because the Pope has *potestas* only over those who are within the Church and not over those princes who are outside the Church, who nevertheless, says Vitoria, are real *princeps vere domini* to whom obedience is due, according to the Apostles; fourth, because temporal power does not depend on the Pope; fifth, because civil power is not subservient to the temporal power of the Pope, nor does the Pope have any *potestas* of a purely temporal character, nor, finally, does the temporal power depend on the spiritual, in the way that an inferior faculty depends on a superior.

Vitoria, for whom the prime science was theology, was the main founder of the school of natural law in Spain, most of whose members belonged to either the Dominican or Jesuit order. Both these orders had constructed a system of political theory based on the theory of natural law, starting their speculation with Aristotle's *Politics*, Cicero's *De re publica*, and the *Summa theologica* of St. Thomas. Vitoria, approaching the subject in *De potestate civili*, asserts, as did Aristotle, that man is by nature a civil and social animal. Vitoria shows not the slightest inconsistency in his acceptance of contractual theories. Civil and social life is possible, thanks to the agglutinant nature of the will and to what Vitoria calls its ornaments, *justitia et amicitia*. A will without *justitia* and *amicitia* is deformed and incomplete because it is outside any human consortium, because justice can only be performed with the multitude, and because without *amicitia* (as both Aristotle and Cicero made clear) — that is, without a life of communication — we cannot partake of water, of fire, or of the sun, and any virtue perishes. In his enthusiasm for the exchange of impressions and communication that characterizes friendship, Vi-

toria quotes this beautiful sentence from Cicero: "If one could mount to heaven to contemplate the world of nature and the beauty of the stars, he could not enjoy such a contemplation without a friend."³

Civil society is the only means of meeting the social needs of man. Its origins are not artificial, but are based on the spontaneous springs of human nature that give rise to this urge for the defense and conservation of the mortal being. Thus, cities as well as public institutions, and republics, too, are a result of prime necessities, and there are no societies or communities without some sort of force or authority, which Vitoria calls "*potestas gubernans et providens*"—the power to govern and protect. The same reasons that exist as a justification of community and society—that is, habit and utility—exist also for the justification of civil power; the basic one is utility, in other words, the necessity against which only the gods may fight. But utility in this case is the "*publicum bonum*" and in this idea of public good Vitoria implies a plurality—"the welfare of each one."

Vitoria subscribes to the thesis of St. Paul that "*non est potestas nisi a Deo*"—that is, Vitoria, who considers that the authority of the king comes from God, also thinks that this authority is limited by its own finalities and cannot be deprived of any natural right, such as the right to his own defense and to the defense of his subjects against the foreigner. But for that, one needs public power. Indeed, the majority of the kingdom can elect a king who thereby becomes *rex supra totam rempublicam*.⁴ All Vitoria's arguments are aimed at proving the sovereign character of the supreme organ, be it king or *communitas (respublica)*, or, as Vitoria calls it, "*Democratic Principate*."⁵

³"Si quis (inquit Cicero) in Coelum ascendisset, naturamque mundi, atque syderum inspexisset pulchritudinem, insuavis illi sine amico administratio foret" (*De potestate civili*, I § 4).

⁴"Rex est super totam Rempublicam; volo dicere, quod in regio Principatu Rex est non solum supra singulos, sed etiam supra totam Rempublicam; id est, etiam supra omnes simul . . ." (*De potestate civili*, § 14).

⁵"Quia si Respublica esset supra Regem, ergo esset Principatus Democraticus id est popularis, et sic non est Monarchia et Principatus unius" (*ibid.*, § 14).

In any case, *lex humana* or *lex civilis* makes subconditions obligatory because the *voluntas* is not enough; the order of the legislator or authority that represents only the purely formal and external aspect is not sufficient, for, according to Spanish tradition, it is required not only that a law, in order to be obeyed, be backed by authority in the organ issuing it, but also that its content be right, just, or as Vitoria says, useful, and, in addition, moderate.⁶ That means, of course, the introduction of a highly objective social value at the decisive moment of establishing the hierarchy of the law — one of the most difficult problems concerning the relation between the lawmaker and the law, a question opened in the days of Socrates and not yet solved. Only the vainest of our contemporaries could think that such a question is merely a problem of the past. The Romans met the problem with this maxim: *princeps legibus solutus est* (the prince is not bound by the law). In opposition to this opinion, which rendered the prince free of any legal obligation, there arose a movement seeking to annihilate the idea of *potestas legibus soluta*, and to substitute that of *princeps legibus tenetur* (the prince must observe the laws). Vitoria's position in that struggle is very important because it paves the way for his conception of international law. When Vitoria asks himself whether laws bind the lawmakers, especially princes and kings, without the slightest hesitation he answers in the affirmative, saying that a lawmaker who does not accept the law inflicts *injuria* on the republic and on all the citizens because he, too, belongs to

⁶ "Quaeritur tandem: An leges civiles obligent Legislatores, et maxime Reges. Videtur enim aliquibus quod non, cum sint supra totam Rempublicam, et nullus possit obligari, nisi a superiore; sed certius, et probabilius est, quod obligentur. Quod probatur primo: Quia huiusmodi Legislator facit injuriam Reipublicae, et reliquis civibus, si cum ipse sit pars Reipublicae, non habeat partem oneris, juxta personam tamen suam et qualitatem, et dignitatem . . . Nam eandem vim habent latae leges a Rege, ac si ferrentur a tota Republica . . . sed leges latae a Republica obligant omnes; ergo etiam si ferantur a Rege, obligant ipsum Regem. Et confirmatur: Quia in Aristocratico Principatu senatusconsulta obligant ipsos Senatores, authores illorum, et in populari regimine plebiscita obligant ipsum populum; ergo similiter leges regiae obligant ipsum Regem; et licet sit voluntarium Regi condere legem, tamen non est in voluntate sua non obligari, aut obligari. Sicut in pactis. Libere enim quisquis paciscitur, pactis tamen tenetur" (*ibid.*, § 21).

the republic, and because laws enunciated by the king have the same binding force as those made by the republic, which bind the whole republic. Consequently, if they are enacted by the king, they bind the king, just as in a republic the *senatus consulta* bind the senators and the *plebiscita* the plebeians. The enactment of laws depends on the will of the king, but once promulgated they apply to him whether he wills it or not.⁷

The import of this explanation is perfectly clear, and from the context of this thesis, which Vitoria lays down as an axiom, he deduces immediately the following corollary: *jus gentium* has not only the force of a pact among human beings but the force of a law. The whole world, which in a sense is one single republic, has the power to make right and convenient laws for itself that constitute *jus gentium*. Henceforth, those who violate the rights of *gentes* in any grave affair, either in peace or in war, or who show up the vulnerability of the legates, commit a mortal sin. No nation can consider itself exempt or less bound than the others by the *jus gentium*, because the law is supported by the authority of the whole world.⁸ The idea of a right-state, the assertion that the *princeps* remains "*legis justitiae subjectus*," as John of Salisbury put it,⁹ or *servus* of *equitas* and *justitia*, as he also said, reappear in Vitoria very strongly stressed, so much so that there is nothing that can be considered metajuridical. Thus, to the state-power in the Renaissance so clearly represented by Machiavelli, to the absolute state headed by a sovereign "*solutus a legibus*" (free of restraint), as it appears in Bodin, should be added the third way enunciated by Vitoria. This is the direction accepted by our epoch. In the Middle Ages this was also the direction of many authorities

⁷ *Ibid.*, § 21.

⁸ "Ex omnibus dictis infertur corollarium, quod *jus gentium* non solum habet vim ex pacto et condito inter homines, sed etiam habet vim legis. Habet enim totus orbis qui aliquo modo est una Respublica, potestatem ferendi leges aequas et convenientes omnibus, quales sunt in *jure gentium*. Ex quo patet, quod mortaliter peccant violantes *jura gentium*, sive in pace, sive in bello, in rebus tamen gravioribus ut est de incolumitate legatorum. Neque licet uni regno nolle teneri *jure gentium*: est enim latum totius orbis autoritate" (*ibid.*, § 21).

⁹ John of Salisbury, *Policratus* IV, C 1, 2, 4.

like Ockham and Gerson, and in the sixteenth century it was followed by most of the Spanish school — Domingo de Soto, Didacus Covarrubias, Ferdinandus Vazques Menchacha, Molina, Mariana, and Suárez.¹⁰

Of course, the starting point in Vitoria for the juridical, as well as for the political, order is of a religious nature, for, as has been noted above, Vitoria, like many other thinkers of the period, considered theology the prime science — a role assigned to metaphysics by many thinkers of both earlier and modern times. Vitoria, before finishing the *Relectio* devoted to *potestas civilis*, stated that the *jus gentium* standards are universally justified precisely because they are universally useful. But he was not satisfied with that; he wanted to add something more, so he formulated the thesis that in the violation of a pact one can commit a crime, but in the violation of the *jus gentium* norms, one commits a sin. Vitoria wanted to rouse to the highest pitch the religious consciousness of the individual and of groups in order to move the roots of the soul.¹¹

¹⁰ For Bodin and the implications of *jus majestatis*, see *Six livres de la république* (Lyon 1593) Book I, Chs. 1 and 8.

¹¹ For other Spanish opinion on this subject, see especially Ferdinandus Vazques Menchacha, *Contro-versiarum juris illustrium* (Frankfurt 1572) C 42, 43, 45, 47; Domingo de Soto, *De justitia et jure* (Venice 1602) IV, q. 4 a 1; Juan de Mariana, *De rege et regis institutione* (Toledo 1599) *passim*; Ludovicus Molina, *De justitia et jure*, (Mainz 1659) II d 23 pars. 8-10, 25, III d 6, v d 3, 2; Francisco Suárez, *De legibus* (Antwerp 1613) III C 4 no. 28 and C 34. According to Vazques, the people reserve to themselves the legislative power in cases of doubt and are subject only to a power which is itself limited and bound by the laws. Soto, who is most favorable to the extension of power to the prince, nevertheless declares that the king cannot establish equality by force unless he becomes corrupt and tyrannical. Molina declares that the ruler is not only an administrator bound by law but can also become a tyrant and be slain. And finally, Suárez considers that the people always remain the source of all sovereignty and are bound by the laws which they ordain "*pro tota communitate cuius est pars*." The interpretation given by Otto Waltz in his important work, *Fr. Bartolome de las Casas, eine historische Skizze* (Bonn 1905), to the famous Spaniard's juridical conception of freedom is very expressive. Waltz considers las Casas, not Rousseau, the actual father of the theory of the inalienability of liberty and the free will of the people as the true source of power — that is, he sees las Casas as the creator of the social contract theory (p. 12). Of course, for las Casas, the monarch's authority derives from his submission to the law.

III

At the time that Vitoria was delivering his lectures, *De Indis* and *De jure belli*, in Salamanca, not only was the conquest of Mexico finished, the occupation of Central America completed, and Peru dominated by Pizarro, but Pedro de Mendoza had reached Rio de la Plata (1535) and founded Buenos Aires (1536). Consequently, all the land extending from north of Mexico to the Strait of Magellan was virtually under Spanish control. Echoes of the bellicose deeds done abroad fired the passions of the people in the cities and villages in Spain, regardless of social class and economic status; theologians, adventurers, men of arms, men of letters, businessmen, peasants, all entered more or less directly into the polemic that raged all over the world.¹²

What title, Vitoria asks himself, can be invoked to justify the Spaniards' stay in America? He rejects the title of discovery, because the land was already inhabited; he also rejects as a sufficient reason for war the refusal of the aborigines to accept the Christian faith, even if that faith could have been properly presented to them. He denies that it is justifiable to wage war as a means of forcing unbelievers to accept the faith or as a punishment for the sins of the aborigines. Vitoria's reasoning is especially clear when he submits to analysis the possibility of a voluntary and free acceptance of Christianity by the Indians. As he sees it, the chances for making a free choice were blocked by fear and ignorance: the Indians did not know what they were doing; they could not understand what the Spaniards were seeking; the Spaniards were armed, the Indians unarmed and timid; the aborigines already had a Lord and princes. And finally, the Spaniards' claim that they were there

¹² Even Montaigne devoted two of his essays to the American question, establishing in his famous "Cannibals" a very illuminating contrast between the natural man of America and the artificial one of Europe. Perhaps Montaigne's attitude, always sharp and intuitive, was the precursor of the coming age, of the exaltation of nature and natural man. So deep was the impression made by the tales of America and by Montaigne's portrait of the American man that Shakespeare used what Montaigne had written almost verbatim in *The Tempest* (I, ii). On this point, see James Brown Scott, *The Spanish Origin of International Law. Francisco de Vitoria and His Law of Nations* (Oxford-London 1934) p. 51.

by a "special grant from God" was not at all convincing to the Indians.¹³

Then what can be the legitimate title of the Spaniards to stay in America? It is in answering this question that Vitoria opened a new chapter in the history of the *jus gentium*. "*Quod naturalis ratio inter omnes gentes constituit, vocatur jus gentium*," he writes. The substitution of "*gentes*" for the word used by Gaius in the *Institutiones homines* means to Vitoria that the subjects of *jus gentium* are not exclusively individuals but also collective personalities such as the nation. Nevertheless, on these grounds the Vitoria conception is one that asserts an international bill of rights for the individual as a member of society, that is, the individual *jus gentium* rights under natural law. The starting point of these international subjective rights are, according to Vitoria, the *jus communicationis*, the *jus commercii*, the *jus peregrinationis*, the *jus hospitalitatis* — freedom of communication, freedom of commerce, freedom to circulate freely in all countries on a basis of equality for the citizens of the world, which not only constitutes a real unity, but should also be based on a relationship of mutual aid. To put obstacles in the way of this unity of mankind is against the *jus naturale*. Vitoria repudiates the statement of Ovid, which a century after Vitoria was to be reiterated by Hobbes: "*Non enim homini homo lupus est, ut ait Ovidius, sed homo*."¹⁴ But if the Indians deny the Spaniards the enjoyment of the rights inherent in

¹³ Vitoria analyzes in detail the right of ownership among the aborigines as well as the justification of their authority to exercise these functions. In what concerns religion Vitoria reveals the same cool head as on other questions: "Barbari non ad primum nuntium Fidei Christianae tenentur credere ipsi . . . non credentes solum per hoc quod simpliciter annuntiatur eis et proponitur quod vera Religio est Christiana, et quod Christus est Salvator et Redemptor mundi, sine miraculis aut quacunque alia probatione aut suasionem" (*De Indis*, Relectio prima, "De titulis non legitimis," § 10). The polemic current among the Spaniards, which reflects the missionary campaign of Fr. Bartolome de las Casas, found an echo in these cautious expressions by Vitoria: ". . . non satis liquet mihi, an fides Christiana fuerit barbaris hactenus ita proposita et annuntiata, ut teneantur credere sub novo peccato" (*ibid.*, § 14), but even if the barbarians, notwithstanding the proofs presented, do not accept the faith "non tamen hac ratione licet eos bello persequi et spoliare bonis suis" (*ibid.*, § 15).

¹⁴ *De Indis*, "De titulis legitimis," § 3.

the *jus gentium* and reject the Spaniards' advances, and if instead of maintaining peace they start a war, then it will be justifiable for the Spaniards to answer with war, but only to the extent that is absolutely necessary for their own defense and on the grounds of the only justifiable motive — injury sustained.¹⁵

It is not completely irrelevant to inquire whether the *jus praedicandi* also has the character of a universal subjective right in the Vitoria doctrine or whether this right is confined by him to Christians. I find no argument in Vitoria to support the conclusion that the *jus praedicandi* is extended to the believers of any religion. In any case, no one is entitled to prohibit the Spaniards from evangelizing the Indians, and no one can deprive the Pope of the right to entrust such a task to the Spaniards. As a matter of fact, this is the spiritual title exhibited by the Spanish Crown. There is then, according to Vitoria, under certain conditions, a just war. I do not intend to describe Vitoria's efforts to subject war to a regime of law, but I wish to mention certain problems, which, in so far as I can determine, were presented for the first time, and very brilliantly, by him.

In order to appreciate Vitoria's position, one must place his ideas in the context of the history of his time. The dominant doctrine of the period was that of Henri de Suse (*Summa Aurea*) according to whom war against the infidels is always justified. Or, formulated in a more attenuated form by Sinibalde de Fiesque (later Pope Innocence IV), war against infidels is always justified if one seeks to recover lands previously under Christian control, or if the war is directed toward the conquest of the Holy Land. Vitoria's attitude is quite different; he accepts the existence of a *justa causa*

¹⁵ There is another passage in which Vitoria once more reveals how moved and impressed he was by the conflicting stories coming to Spain from America concerning the treatment of the Indians and the form of evangelization: ". . . Nam primum, cum videamus totum illud negotium administrari per viros et doctos et bonos credible est recte et juste omnia tratiari. Deinde, cum audiamus tot hominum caedes, tot spolia hominum alioqui innoxiorum deturbatos tot dominos possessionibus, et dictionibus suis privatos, dubitari merito potest jure an injuria haec facta sint; et sic haec disputatio non videtur omnino supervacanea. Et per hoc patet responsio ad objectionem" (*De Indis*, "Recenter Inventis," § 3).

belli, but the only well-grounded reason for war is *injuria* — *injuria* by aggression, or *injuria* when one deprives the *subditi* of a country of the exercise of those rights inherently theirs by virtue of their membership in the community, not only because they are social beings, but also because they are spiritual beings.

Vitoria not only enriches with abundant and fresh reasons the nonjustification of war on the basis of the titles usually invoked and so brilliantly attacked by him. He also asserts that even the just war must be submitted to a procedure that will purify the final decision of any trace of injustice. Thus, the Spaniards must offer the infidels every proof that they do not come to cause them any harm; only when their arguments have been exhausted and the Indians have unleashed violence may they organize their own defenses and use all the means of war. Even so, full consideration must be given the difficulties of convincing the infidels and of dissipating the fear engendered by the appearance of armed foreigners more powerful than themselves. The Spaniards should, of course, defend themselves, but with a minimum of harm to the Indians because it must be only a defensive war.¹⁶ The character of innocence on the part of the Indians disappears if, notwithstanding the pacific attitude of the Spaniards, they persevere in an aggressive attitude designed to destroy the latter.

The just war, moreover, may be waged only by the right organ — the sovereign prince — and not in order to extend the prince's

¹⁶ "Si barbari velint prohibere hispanos in supra dictis a jure gentium, puta, vel commercio, vel aliis quae dicta sunt, hispani primo debent ratione et suasionibus, tollere scandalum, et ostendere omni ratione se non venire ad nocendum illis, sed pacifice velle hospitari et peregrinari sine aliquo incommodo illorum; et non solum verbis, sed etiam ratione ostendere. . . quod si reddita ratione barbari nolunt acquiescere, sed velint vi agere, hispani possunt se defendere, et omnia agere ad securitatem suam convenientia . . . sed est notandum, quod cum barbari isti sint natura meticulosi et alias stolidi et stulti, quantumcunque hispani velint eos demere a timore et reddere eos securos de pacifica conversatione, possunt adhuc merito, timere, videntes homines cultu extraneos et armatos et multo potentiores se." Even if the initiative for war is taken by the Indians, it must be realized that they are driven by fear and are "innocentes et merito timent ut supponimus. Et ideo debent hispani se tueri; sed quantum fieri poterit cum minimo detrimento illorum; quia est bellum dumta at defensivum" (*ibid.*, "De titulis legitimis," § 6).

domain, nor for the glory of the prince, but exclusively in the defense of public welfare. Thus a just war requires both a just cause and a just purpose. The individual conviction of the prince as to the *justitia* of the war is not sufficient; he can be wrong and must therefore first consult with the wise men. The *subditi*, also, must have the right to analyze the reasons given for the war and if they find the war unjust, then the command of the prince is not binding, since nobody is authorized to kill a person he believes to be innocent. Senators or other persons admitted to the public council of the prince are obliged to examine the causes of any just war, and must not make war so long as the slightest doubt exists.

The dialectic process in which right and ethic are merged forced Vitoria to a conclusion which exemplifies the transcendent individualism of the Spaniards: "The *subditi* who doubt the justice of a war, that is, the cause advanced for its justification, cannot take part in the war though the prince command them to do otherwise." We have before us the problem of the conscientious objector in the conflict between the so-called objective and subjective interpretation of right, a conflict between the social and the individual judgment of a fact. Only the Anglo-Saxon countries, so well fitted to understand the functions of the judge on behalf of the *equitas*, have been able to keep alive that fruitful principle discovered by Rome during its creative years.¹⁷

In a just war, the king, according to Vitoria, is acting first as a judge on behalf of the state as a *communitas perfecta*, completely independent and sovereign; second, as a judge trying to apply the universal rules of the *jus gentium*, the extension of which covers mankind; and third, as an adventitious organ of the inter-

¹⁷ "Injuria accepta est unica et sola causa justa ad inferendum bellum" (*ibid.*, II, Relectio posterior, § 13). "Bellum, ut dicatur justum, non semper est satis Principem credere se habere justam causam" (*ibid.*, § 20). ". . . si subdito constet de injustitia belli, non liceat illis sequi bellum, sive errent, sive non" (*ibid.*, § 23). "Senatores, Reguli, et Universaliter omnes, qui admittuntur vel vocati, vel etiam ultro venientes ad concilium publicum vel regis, tenentur in justii belli causam examinare . . ." (*ibid.*, § 24). "Finis belli est pax et securitas reipublicae."

national community, which in Vitoria's doctrine is a unity of a religious, moral, and social nature.¹⁸ Nothing in Vitoria authorizes us to consider the mission of the Spaniards in America as a background of a colonial right; it was, rather, a tutelage to fulfil the duties commended to a tutor for the benefit of the pupils, the Indians.¹⁹ It was what four centuries later was to be called a mandate by the covenant of the League of Nations and the United Nations charter.

IV

Throughout Vitoria's exposition there are a certain number of implicit principles essential for the understanding of his doctrines: (1) the postulation of an existential international community, (2) a recognition of the lack of jurisdictional organs able to enforce the decision of the king, who as judge endeavors to settle a dispute between two or more *communitates perfectae*; and (3) the recognition that in order to attain such jurisdictional organs it would be necessary to overcome the pluralistic conception of sovereign states in the international community. But which of these principles plays the dominant role? For two reasons I believe that there was no doubt in Vitoria's mind on this score: (1) the reluctance of the Spanish school in general to accept the dissolution of

¹⁸ The *communitas perfecta* of Vitoria is defined by him in juridical terms: "Respublica proprie vocatur perfecta communitas. . . Est ergo perfecta Respublica aut communitas, quae est per se totum; id est, quae non est alterius Reipublicae pars, sed quae habet proprias leges, proprium consilium et proprios magistratus, quale est Regnum Castellae, et Aragoniae et Principatus Venetorum et alii similes" (*De Indis*, II, § 7). The reader may compare this with Bodin's famous definitions of *majestas* or sovereignty (*op. cit.*, Book I, Ch. 8). But if one analyzes chapter 10 of this same work, one finds how strong is Bodin's tendency to consider the sovereignty of the collective *corpus mysticum* as the personal right of the monarch, a tendency that appears in Vitoria and most of the Spanish school.

¹⁹ "Hispani enim cum ad barbaros perveniunt, significant eis, quemadmodum Rex Hispaniae mittit eos pro commodis eorum, et admonent eos ut illum pro domino et Rege recipiant et acceptent. Et illi retulerunt placere sibi. . . Et certe hoc posset fundari in praecepto charitatis, cum illi limitatione ut fieret propter bona salutis" (*De Indis*, Relectio prima, 16, 18). Gaspar de Recarte, in his work *Tratado del Servicio Personal* (1584; Documentos ineditos del siglo XVI para la Historia de Mexico, Mexico 1914), repeats Vitoria's thesis (p. 354).

the *Respublica Christiana*; (2) Vitoria's own insistence on the unity of the human race, the unity of the world as a spiritual whole in which the single states should be only parts. Vitoria, for whom *jus gentium* meant *jus naturale* or a corollary of the *jus naturale* (*De Indis*, "De titulis legitimis,"²) could not sacrifice the unity to the plurality, because in this case the unity had an ontological value. It is necessary to remember that Vitoria repeatedly stressed theology as the prime science.

All these facts suggest that Vitoria was inclined to a conception of international law favorable to its institutionalization. For him the *potestas civilis*, which was temporal, aimed at the *felicitas politica*, while the *potestas spiritualis* had as its aim the *ultima felicitas*; consequently the former had to be subordinated to the latter (*De Indis*, Relectio prima, 5). It is for this reason that in some cases a Christian was obliged to accept the Pope as arbiter. One sees how in this way Vitoria returns to a position very similar to that of the old *Respublica Christiana*. The old and the modern conceptions of international order were struggling in Vitoria. If everything that could be considered necessary for the government and conservation of the society could justifiably be established by the state, as Vitoria says (*De jure belli*, par. 19), evidently many similar measures could be adopted for the maintenance of peaceful interrelations among the different nations. I find no theoretical difficulty in this position; on the contrary, I find many reasons to believe that Vitoria's principles were favorable to an institutional conception. His thinking was, of course, by no means in the direction of a monistic conception of the institution but rather toward a corporative conception of an international order able to reconcile the unity of the international community with the plurality of the elements that comprised it.²⁰

²⁰ In an excellent article, "The Revival of the Idea of Punitive War," which appeared in *Thought*, no. 82 (September 1946), Erich Hula refuses to accept an institutionalist interpretation of Vitoria's theories. I, however, am inclined to agree with Joseph Delos that an institutionalist intention pervaded Vitoria's work; see Delos, *La Société internationale et les principes du droit public* (Paris 1929) pp. 212-25.

As has already been pointed out, a new chapter in international law was opened by Vitoria when he made respect for the innocent the keystone of a procedure for justifying war. But alas! The technological situation today has made it almost impossible to discriminate between combatants and noncombatants. Consequently, if one admits the existence of "crimes against peace"—and I think that there are principles of universal value to justify the recognition of such a crime—one needs, of course, to admit also "crimes against war"—the mass annihilation of innocents. Considering the present evolution of the means of making war, it is probably impossible to avoid committing "crimes against war," unless we can prevent all future wars. As former Secretary of War Stimson phrased it in his somber article on the atomic bomb: "War is death. This is the lesson men and leaders everywhere must learn, and I believe that when they learn it they will find a way to lasting peace. There is no other choice."²¹

But is there some way, mainly some juridical way, to outlaw war? This interrogation leads us immediately into a field that is beyond the law, beyond the enforceable and coactive prescriptions of law. We return to the position of the sixteenth century: theoretically, the problem of war is fundamentally a problem of *ius naturale* or international morality.

²¹ *Harper's Magazine* (February 1947).

NOTE: Francisco de Vitoria was for a long time almost ignored by publicists. It is not my intention to give here a full historical account of the references to Vitoria's work, but it seems worth-while to outline their general course.

Though Hugo Grotius, in his famous *De jure belli ac pacis* (preliminary speech, par. 38) includes Vitoria among the theologians he had consulted, and Covarrubias and Vazques Menchaca among the canonists and jurists whom he had also studied, he minimizes their importance. Also in the seventeenth century, Hermann Conring, professor at the University of Helmstedt, published his *Examen rerum publicarum potiorum totius orbis*, in which he eulogized Vitoria and his school, paying them magnificent tribute (*Opera omnia*, ed. by J. W. Goebel, vol. 4, Brunswick 1730, Ch. 1, "De republica hispanica"). On the basis of the *Relectiones*, he states that Vitoria was the very first to raise moral problems in juridical questions, adding that the Spanish continued to study theology and philosophy in this way and that a similar approach was not to be found in the work of the French, Dutch, or Germans, whose genius was not suited to this method of study. Conring attributes the progress made by Grotius in this kind of thinking to his reading of the Spanish

jurisconsults and their master, Francisco de Vitoria, and remarks finally, "Let him who aspires to the most exact knowledge of moral philosophy procure Spanish authors (see Ernest Nys's introduction to Vitoria's *De Indis*, Classics of International Law, Carnegie Endowment for International Peace, Washington 1917, p. 98).

In Spain as well as elsewhere, the eighteenth century was very hostile to scholasticism and even to its literary style. Thus, for example, a book published in Madrid in 1747, *Questiones de derecho publico é interpretacion de los tratados de paz* by D. Ignatius Joseph de Ortega, comments on the work of Grotius, but makes no mention whatever of Vitoria, Suárez, or any other author of the Spanish school. Nearly a century later, Sir James Mackintosh, in his dissertation on ethical philosophy published in 1831, called the attention of the Anglo-Saxons to the Spanish school, especially Vitoria, Soto, and Suárez. In the middle of the nineteenth century, Kalternborn published his book, *Die Vorläufer des Grotius auf dem Gebiete des jus nature et gentium sowie der Politik im Reformationszeitalter* (Leipzig 1848), and though he did not go too deeply into an analysis of ideas, he nevertheless contributed to attracting the attention of scholars to the Spanish authors and their work. It was the great American jurist, Henry Wheaton, who in his *History of the Law of Nations in Europe and America* (New York 1845) presented the problem in a new light by considering international law as customary law and citing Vitoria, Soto, and Suárez as promoters of this trend. John Westlake in his *Collected Papers . . . on Public International Law* (ed. by L. Oppenheim, Cambridge, Eng., 1914) described Suárez and his masters as the most representative thinkers of their epoch. He, however, was only restating what Nys had already said in *Le Droit de la guerre et les precurseurs de Grotius* (Brussels 1882), *Les Droits des Indiens et les publicistes espagnole* (Brussels 1890), and *Les Origines du droit internationale* (Brussels 1894). Nys was to publish another study in 1914 from which Westlake could not profit. All the comments had the same purpose — to stress the contributions of the Spaniards to the new ideas that were to become the bases of international law and to point out the prominent role played by Vitoria in this development.

In his famous *International Law*, Lassa Francis Lawrence Oppenheim cited as forerunners of Grotius only Vitoria, Ayala, and Suárez, especially the last-named, stating that in their work for the first time was there an attempt to found a law among the states on the fact that they form a community of states (3rd ed., p. 99). Modern German criticism has been more profound and livelier. Otto von Gierke in his famous monograph, *Johannes Althusius und die Entwicklung der naturrechtlichen Staatstheorien* (Breslau 1880) analyzed the work of Vitoria, as well as that of Covarrubias, Vazques Menchacha, and Suárez, from all angles. Victor Cathrein, in *Die Grundlage des Völkerrechts* (Freiburg 1918) discusses Vitoria's contribution, and Holtzendorff, in *Handbuch des Völkerrechts*, 4 vols. (Berlin 1889), though considering our author a pure forerunner of Grotius, says that through Vitoria and Suárez the essence of international law became clearly understandable.

In Jan Kusters, *Les Fondements du droit des gens* (Leiden 1925), the pages devoted to the study of the Spaniards stress new aspects of the question, particularly with reference to Vazques Menchacha.

In France, many works on Vitoria and the other Spaniards have appeared, among them: Joseph Barthélemy, "Vitoria," in *Les Fondateurs du droit internationale* (Paris 1904); Hubert Beuve-Mary, *Les Theories des pouvoirs publics d'après Fran-*

cois de Vitoria et ses rapports avec le droit contemporain (Paris 1928); R. P. Ives de Brière, *La Conception du droit international chez les theologiens* (Paris 1930); Joseph Delos, *La Société internationale* . . . (cited above) Chs. 5 and 6; Antoine Pilet, *Les Fondateurs du droit international* (Paris 1904); Alfred Vanderpol, *La Doctrine scholastique et le droit de guerre* (Paris 1919).

Also among the authors who have accorded Vitoria serious consideration we should include the Norwegian, Christian L. Lange, who in his *Histoire de l'internationalisme jusqu'à la paix de Westphalie* (Kristiania 1919) has provided one of the best studies of Vitoria and of Suárez as well.

It would be not only unjustifiable but also ungrateful not to stress the devotion to Vitoria shown by the American professor, James Brown Scott, who, in addition to serving as editor of the *Classics of International Law*, a monumental work representing a real contribution for the scholars of America and including one of the first reprints of Vitoria's *De Indis*, also delivered at the University of Salamanca a series of lectures, later published in Spanish at the University of Valladolid under the title, *Francisco de Vitoria, fundador del derecho internacional moderno*. The same lectures, much elaborated, were printed in 1934 under the title, *The Spanish Origin of International Law. Francisco de Vitoria and His Law of Nations* (cited above).

After the first world war, the Francisco de Vitoria Association was founded in Spain through the cooperation of North and South American and Spanish scholars who were specialists in the problems not only of international law but of the history of political ideas and institutions. To date, the Association has published so many works as a part of a series, *Biblioteca Internacionalista de Clásicos Espanoles*, that it would be excessive to give a list of the titles. Suffice it to say that they constitute an almost inexhaustible vein of valuable source material.

ON "FREEDOM AND ORDER"

THE life of society, according to Dr. Heimann,¹ consists in establishing "a proper balance between freedom and order" (p. 9). Freedom, in this context, is nothing better than absence of interference with the individual's pleasure, and order is simply an enforced pattern of social behavior. The question of balance, then, would appear to be a quantitative problem: the more freedom the less order, and vice versa, balance being a situation in which there is neither too much freedom nor too much order. In themselves, both "order and freedom are ethically neutral" (p. 228). But the two contraries are not on the same footing in all respects. Order is "the necessity of the physical life of a society," while freedom is required for man's spiritual life (p. 10).

In this dialectic, freedom, in relation to order, takes the place which logically and traditionally belongs to chaos; order, in relation to freedom, takes the place which logically and traditionally belongs to servitude. Both concepts are taken at the lowest possible level. Later in the book, it is true, the author rises above this level to the idea of a spiritual order which is "ordered freedom" (p. 259). But judged by his own definitions this is an inconceivable state or, at best, a happy inconsistency. In fact, the "spiritual order" seems to be in the nature of an afterthought. Heimann's working dialectic is a quantitative seesaw resulting from the idea of freedom as nonorder coupled with the idea of order as nonfreedom.

Hegelianwise, Dr. Heimann makes his two key concepts move dialectically, and this deployment of their inherent logic he identifies with history. Order and freedom, however formalized and emptied of their richer significance these concepts seem by Heimann's definition, play for him the role of great dynamic entities. History is the medium, or rather the embodiment, of their interaction and counteraction.

Dr. Heimann, of course, is a Hegelian only in the sense in which modern sociologists so frequently are. He thinks he can utilize the applications of Hegel's dialectic without committing himself to the principles of Hegel's immanentist metaphysics. Yet it is doubtful whether this is possible. Dr. Heimann would be justly shocked if he were told that, left-wing Hegelian that he is, he deifies history. His religious convictions lead him, in the concluding chapters of his book, to disclaim emphatically the identification of God and history. But

¹ Eduard Heimann. *Freedom and Order. Lessons from the War*. New York: Scribner, 1947. xiv & 344 pp. \$3.

inadvertently he is brought by the Hegelian method very close to precisely this fusion. History, in true Hegelian style, is referred to as an agent: History "speaks," "judges" (p. 15); History "has made it clear" that there can be no rational reconciliation of order and freedom (p. 229); History pursues its "inexorably vindictive logic" (p. 253). Even the Christian conscience, whose voice is generally clear and forceful in these pages, must occasionally yield to the goddess History. Referring to the massacre of the German population in the eastern provinces in 1945, Heimann asserts that "the vengeance on the part of the tortured Poles, Czechs, and Russians was only logical, and it is doubtful whether, if one could have stopped it, one ought to have done so" (p. 57). From a nondialectical point of view, children are slaughtered and women raped not by history's "vindictive logic" but by men, and not to interfere, for one who could do so, is undoubtedly complicity in crime and a deadly sin. The "sense of tragedy," which the author recommends (p. 58), may be good Hegelianism, but it may also involve acquiescence in evil as the product of dialectical necessity — a culpable indifference which the author fortunately repudiates in almost every page of his book. But his occasional lapses into the mannerisms of a "secretary to the *Weltgeist*" (who, by definition, is beyond good and evil) shows how even a moderate idolatry of history impairs sound judgment.

In Heimann's book the polarity of order and freedom is put to use not for the writing of history but for what may be called "situational analysis." This type of analysis is neither history (an account of what has happened) nor practical philosophy (an exposition of ultimate principles which should guide us in fashioning our lives both individually and collectively) but a compound of these two widely divergent endeavors, welded together by the exigencies of a concrete situation. In order to reach decisions here and now, the things that have happened must be related to ultimate practical principles. The type of reasoning involved is called "deliberative," and the corresponding type of literature is journalism. In this sense, and with no derogatory implications, Dr. Heimann's book may be classified as journalism. This genre of thinking and writing has a wonderful closeness to action, but naturally this proximity to what is called reality must be paid for by a certain haste in construction and a tendency to rash generalization.

Situational analysis is an important aid in understanding our problems and our duties, and we must be particularly thankful for its services when they are supplied by a writer as well-informed and as fair-minded as Dr. Heimann. But again it is hard to accept the Hegel-

ian premises of the present interpretation. Rabbi Nachman von Bratzlav, I believe, expressed a great truth when, in a bold aphorism, he described "choice" as the purpose of the universe. Through choice, the fruit of deliberation, we force together the same two elements that are blended by situational analysis. We materialize practical principles within a factual situation. In reality these two elements never fit harmoniously together. We know the facts, and upon this knowledge we may base some most uncertain expectations with regard to future developments. But these hypothetical expectations, unsafe and fluctuant as they are, are by no means identical with our practical principles, which are, or should be, firm and inflexible. And yet the two must be related to each other in order to make action possible. If we act on our factual expectation alone, we become opportunists; if we act on our principles without sufficient regard for factual expectation, we become ineffectual. In making a necessary choice, we have to negotiate the fearfully narrow passage between the Charybdis of cowardly adaptation and the Scylla of blind conviction. The journalist, our counselor on action, takes a great risk whenever he tells us what possibly or probably will happen, weighing it against what he thinks should be done.

This is the philosophical objection I would urge against Dr. Heimann, and against Hegelians in general: they hurry us through the dread passage of choice as though History had to make the decision for us rather than we ourselves. Dr. Heimann places before us the idea of a future synthesis or equilibrium — a condition to be expected as a probable outcome of factual tendencies and, at the same time, to be striven after as a goal. Only on the basis of an idea of history as intelligible providence is this synthesis possible. For one who disagrees with Hegelian historio-theology, the anticipated equilibrium is high above the mark, if regarded as factual expectation, but far below the mark, if regarded as a goal. Dialectic in history is the expression of God's will, the Hegelian holds. Should it be, rather, the consequence of human failure?

The dialectic of order and freedom, according to Heimann's view, is all-pervasive. He discovers antagonism, disequilibrium, and movement toward restoration of equilibrium at a new level in science, in philosophy, in the relation between state and religion — everywhere. But these dialectic constructions are tenuous and of merely collateral significance. The dialectic that furnishes the framework of interpretation springs from economic life. As an interpreter of history, the writer is a Marxist and his situational analysis is an application of the principles of dialectical materialism.

Democracy once insured, so we learn, a balance between order and freedom, but the development of large-scale industry with its revolutionizing effects on the organization of both labor and capital has destroyed this balance. In our modern world, Jeffersonian democracy stands for freedom at the expense of order rather than for an equipoise of the two. Democracy is menaced everywhere, and the threat to its life is embodied in National Socialism. National Socialism, the violent countermove of historical dialectic, establishes order at the expense of freedom. This threat, Dr. Heimann believes, has been removed by the outcome of the last war, and the road lies open toward the restoration of a true equilibrium.

This true equilibrium, toward which history looks and which Dr. Heimann wishes to promote, may be described as pluralistic socialism — a halfway house between democracy in the old sense and orthodox socialism (p. 117). With the latter it shares the idea of the collectivization of property as a cure for the evils of capitalistic society. But it mitigates the uniformity of the communist order by a tendency toward decentralization and a degree of competitive interplay between organized groups rather than individuals. There are, according to our author, two approaches to this ideal condition. One of these roads is smooth and easy, the other rough and steep. He sees the United States and the other democracies following the gentle road, with enterprises such as TVA pointing the direction. The rough ascent is being taken by Soviet Russia. But the two roads, Dr. Heimann believes, converge. This is his great hope.

Heimann does not like Stalin's dictatorship any better than Americans generally do. He is remarkably outspoken in pillorying the atrocities of which the present Russian regime is guilty and whose magnitude equals, or even exceeds, those committed by Hitler. But his faith in Soviet Russia is unshaken. He sees under the hard shell of regimentation and dictatorship the growth of a new and better social order, the stirring of a new freedom and a new diversity. So Russocentric is his world picture that he describes "the admission into the Russian social and economic system of individual peasant holdings" as possibly marking "a turning point in world history" (p. 156). And by salvaging industrial work from sullen drudgery and raising it to the rank of free service Lenin's and Stalin's Russia deserves to be hailed as "the dawn of a new day indeed" (p. 162).

Dr. Heimann's views in the field of foreign policy are determined by his great hope. The United Nations must be clung to. Admittedly it is a tottering structure, but our great hope — the idea of the con-

verging roads — must uphold it. Admittedly Russia forces her own ruthless ways on her fellow members in the Security Council. It will be necessary, therefore, not to be too squeamish. "For there will be many injustices we will have to take into the bargain, for the sake of peace. . . We will have to pay with the acceptance of injustice for the preservation of peace" (p. 144). No such exhortation is needed. Dr. Heimann's injunction describes faithfully the policy which is being actually pursued. Neville Chamberlain learned this "lesson from the War" even before the war, and by applying it hastened the outbreak of hostilities. How right Dr. Heimann is to call his hope a "desperate" one, and the means he proposes for the preservation of peace "contradictory in itself" (p. 144).

In view of the guilty silence with which the American press conceals from the public the conditions produced by Allied policy in Germany during two years of occupation, it is gratifying to find Dr. Heimann speaking out bluntly and boldly and placing the blame where it belongs. His generous appraisal of the German resistance movement (p. 25), his grave warning of impending disaster in Germany, and his harsh condemnation of Allied democratic "re-education" procedures reveal a man taking his stand on the firm ground of fact and moral judgment. But, alas, the dialectical equilibrist must also have his innings. This second personality, oblivious of the clear and forceful rejection of collective punishment in the early part of the book (p. 56) writes near the end (p. 330): "If we were to administer justice to Germany, this could only be the end of the nation so deeply steeped in guilt." But even in his most dialectical mood Dr. Heimann does not recommend extinction. Love, he thinks, should override justice. Thus a policy of extinction is vindicated as just, though nothing better than just. And Germany, the object of this policy, may pin her hope for survival on the advent of the day on which the British Cabinet and Congress will begin to love her.

While social-economic dialectics moves on inexorably, cutting its zigzag furrow, and while Dr. Heimann intently watches the dawn of a new day rising over the eastern horizon, a cross-current of thought wafts the Christian God into the Marxian world. He is first introduced as the moderator of sociological debate establishing the balance between freedom and order (p. 259). We hear something about justice, a super-rational entity, being "the political content of the free Christian conscience, the supreme concept to which facts are related to take their place in the spiritual world, the condition for a society's survival and durability in a changing world" (pp. 259-60). This somewhat mysti-

fiying statement is followed by reflections on man's "ecstatic" nature, anthropological echoes of Reinhold Niebuhr's theology.

When the tragedian gets tangled up in his plot, he extricates himself by means of a *deus ex machina*. We see what the god in the fifth act is good for and we applaud. But it is hard to see what the Christian God appearing at the eleventh hour as the reconciler of order and freedom is really good for. Dialectical Reason does the job of reconciling for Him — the Reason employed by Dr. Heimann from the first to the last page of his book; and this is a Reason quite different from that other reason which he portrays as imposing a "dictatorial order" without freedom (p. 262) and which, though it is credited with being scientific, seems a rather unintelligent reason. So one marvels what the meaning of that unrelated theological superstructure might be. Might the author be in the process of rethinking his argument in the light of his final affirmations? In that case this reviewer, a keenly interested, but by no means docile, student of this present book, will look forward eagerly to Dr. Heimann's next publication.

HELMUT KUHN

Emory University

REJOINDER

It is an awkward thing for an author to criticize his critic. So much the more so if he happens to accord the critic the high respect which the writer of *Freedom, Forgotten and Remembered* certainly deserves. To overcome my hesitancy I must therefore have strong reasons for taking issue with Dr. Kuhn's discussion of my book. It is my contention, first, that Dr. Kuhn misrepresents those parts of it which he discusses at all, and second, that he does this by omitting from his rather lengthy consideration the main ideas of the book, which are supposed to shed light on all its parts. By this dual operation he is enabled to present the book as journalistic in character and predominantly Marxist in point of view.

The dialectic which causes Dr. Kuhn to believe that this is Marxism — the interdependence and mutual opposition of "inordinate individual liberty and despotic collective order" — is one of doom in my presentation, not one of promise, as in Marxism. Inordinate individual liberty and despotic collective order are the two forms in which rational

interests crystallize in modern large-scale society, and you cannot have either one without its shortcomings driving people to the other. Now this, according to Marx, is the solution of the problem: the collective despotism, being the later form, is the higher one. The reason is that Marxism, like liberalism, is a version of immanentism, of rationalism; what is required to save mankind is the correct understanding and relentless pursuit of interests, which coincide with the good. My book, contrariwise, tries to establish the proposition that there is, on the rational plane, no possible solution of that dialectical conflict; that the two rival solutions are hopelessly interlocked unless society rises above the merely rational dimension to the religious dimension, in which the principle of justice, not derived from interests, controls and checks them by subjecting them to a higher authority. For human reason, far from being "pure," is corruptible and always in the service of limited interests; and, in particular, the strong always find it in their interest not to seek reconciliation with the weak, but to keep them down. The fact, on the other hand, that justice is never fully and permanently attained does not prove that society can give up the vision of a divine justice without destroying social cohesion. This is the thesis of my book.

I have assembled a certain number of facts from recent history to prove the negative side of my point — the all-inclusive solidarity of guilt, "from Tories to Labor, and from the Vatican to the Kremlin" — and I have presented those facts in three out of the seven chapters of my "Survey" (I, v, vii) as lucidly as I knew how. Hence "journalism." But Dr. Kuhn has apparently overlooked the numerous and detailed analyses of a different nature which are inserted in this "Survey" and are integral to it. I seek the clue for the rise of Hitlerism in the weakness of German liberalism, which contrasts so strikingly with the strength of German capitalism, and which I trace to the Lutheran political education and its praise of power, even unjust power, as ordained by God to protect the external cohesion of society. I exempt agriculture from the economic dialectic of industrial society, describe its peculiar significance for the life of democracy, and try to show that — to put it in "nonjournalistic" terms — the supply curve of agricultural products has a slope opposite to that which would make a *laissez-faire* arrangement possible. I contend that imperialism is a political, not an economic, phenomenon and can be transformed by political means if the political interest gradually changes its content. Above all, I have included an extensive discussion of the basic identity in political philosophy of Marxism and liberalism. Dr. Kuhn does not

mention any of these or many other points that are essential to an understanding of my thesis.

Nor does he treat at all the content of the last five chapters ("Orientation"), the smaller second part of the book, which, on the basis of the facts presented in the first part, develops the positive relationship of freedom and order on the higher plane where alone their sinister dialectic can be dissolved. Dr. Kuhn merely states that there are in the latter part of the book tenuous constructions which appear to be afterthoughts. Let me enumerate some of them. I try to explain that, whereas the Greek conception of freedom is limited to lawful participation in the order of the community, only Christianity added that supreme spiritual dimension of freedom which rises above any historical order and is grounded in the religious order of the world; that the attempt to incorporate this freedom of the Christian conscience in the medieval church ended by stifling that freedom in the order of the church-guided state; that the two different reactions to the Middle Ages — Luther's neat separation of religious freedom from political order, and the rise of liberalism and Marxism, which are mutually hostile and nevertheless alike in teaching the coincidence of social order with the freedom of rational interests — have brought us to the present impasse; I try to establish that our methods of scientific thinking in terms of rational interests and separate autonomous disciplines made sense only so long as that coincidence of rational interests with social order could be believed in; that in the absence of such presupposed harmony it leaves people without mental and moral guidance and thus paves the way to social integration by brute force as the only way out; that, in other words, modern social science educates people to fascism, just as modern natural science, by chancing upon the atom bomb, has refuted its own claim of improving the lot of mankind. My historical picture of the modern era is that for a long time free secular interests were still tamed, humanized, and integrated in the community by the effects in the soul of man of the religion that had been denounced; only now, as the religious inheritance is used up, does the unmitigated fury with which the interests clash disrupt the life of society. I have tried to elaborate Archbishop Temple's statement that communism is a Christian heresy and fascism a fruit of apostasy, and I have tried to describe the Christian climate of democracy in the words that democracy is a system which does not claim to be just but only to strive for justice. This quick selection from the lines of analysis in the last chapters of the book may serve for comparison with the tenor of those chapters as presented by Dr. Kuhn.

Finally, I should like to suggest how and why, in my opinion, Dr. Kuhn may have gone so badly astray, although clearly he is without malicious intention. Three of his observations seem to furnish a clue; all three suggest that he is too much a partisan, too deeply involved in special interests, to be reached by the balance and detachment which I earnestly endeavored to achieve. In the first place, he blames me for saying that, if we had to administer mere justice to Germany, this would be the end of a nation so deeply steeped in guilt. But he overlooks my immediately following remark, which enlarges on this theme: "If God were nothing but justice, where would we ourselves be?" The second and third observations have to do with Soviet Russia. Dr. Kuhn commends my outspokenness in criticizing Soviet lawlessness but blames me, through his misunderstanding of my dialectic, for presenting what I regard as epochal achievements of the Soviet Union. He seems to believe that a mere reference to my contention that the introduction of individual homesteads on the collective farms may be a turning point in world history, is enough to expose me to deserved ridicule — how can there be anything positive in Russia? And he is ironic about my desperate conviction that in a mounting international tension we may be forced, for the sake of preserving peace, to take injustices into the bargain, even though injustice endangers peace; he interprets this course as a policy of appeasing Russia. He does not realize, apparently, that my argument may be a two-way street, which it is throughout the discussion of the dialectic; in other words, United States support of intolerable governments in China or Greece may have to be "taken into the bargain" for the preservation of peace. It is time to emphasize that, like the communist who prefers the Soviet to the truth, so is the anticommunist disqualified in a moral discussion, if he prefers an untruth to the Soviet. It is such a prejudice, I believe, that caused Dr. Kuhn to identify as Marxist my discussion of the dialectic of freedom.

EDUARD HEIMANN

BOOK REVIEWS

VANCE, RUPERT B., and BLACKWELL, GORDON W. *New Farm Homes for Old: A Study of Rural Public Housing in the South*. University, Alabama: University of Alabama Press. 1946. 245 pp. \$3.

This study was made by the Bureau of Public Administration of the University of Alabama at the suggestion of the Federal Public Housing Authority. The University of North Carolina cooperated actively. The FPHA, the Department of Agriculture, and the local housing authorities supplied information out of their files and some technical assistance. The scope of the study is rural housing in the South, with special reference to the four counties (Darlington in South Carolina, Thomas in Georgia, Lee in Mississippi, Lonoke in Arkansas) where the United States Housing Authority (later the FPHA) cooperated with the local authorities to provide 385 out of a total of 515 rural public housing units. It is one of the first and certainly the most thorough study of rural housing so far produced and provides the specialist with a wealth of significant data. The book has twelve chapters divided into three parts dealing with "Backgrounds: Geographic and Historical," "Human Factors in Rural Housing," and "Administration and Public Policy." In addition, there are sixty tables and four appendices, of which one supplies supplementary tables and two concern methodology. It is a model of basic work in the housing field.

It is common knowledge, of course, that rural housing is even more seriously inadequate than urban. This is true all over the United States, but much of what passes for housing in the South can hardly be called that at all. "Urban housing is regarded as substandard if each family does not have running water, an indoor flush toilet, and a bath tub or shower. Judged on this basis seven-eighths of our farm housing was substandard in 1940. The convenience most universally desired by farm homemakers is a kitchen sink with a drain. In 1940 hardly more than one-fourth of all farm homes had this convenience" (p. 7). Only about 500,000 out of the 3.1 million houses on farms considered by the Department of Agriculture to be inadequate to provide incomes sufficient to sustain good housing (the total number of farms is about 6 million) need no structural repairs. In the South and in the subject counties the conditions are much worse. No wonder then that average monthly rentals for rural housing in the South are as fantastically low as \$3.51.

Quite obviously agriculture must be able, or must be capable of

being made able, to support good housing if such conditions are to be improved. Various efforts have been made through provisions for loans at low interest to farmers for improvement of land, buildings, and housing. But they have been largely ineffective. The FHA was empowered to insure mortgages on farm properties as well as on urban properties, but did practically nothing. The USHA was almost inadvertently empowered to aid local housing authorities with rural housing under the same procedures as those applying to urban low-rent housing. And, under its first Administrator, Nathan Straus, it actually proceeded to do something. When the United States entered the war and all efforts were diverted to industrial war housing, a program of 8,406 dwellings had been arranged for, of which only 515 could be completed.

This program was necessarily experimental and small-scale. All previous attempts to find a formula for the lowest income rural families had failed. Conditions were absolutely different from urban communities. Most important were these facts: (a) that new housing ought not to be provided on farms unsuitable for agriculture or unable to sustain good housing; (b) that the standards of construction and equipment minimally necessary in the urban program could and would have to be lower in the rural program; and (c) that the incomes of eligible farm families would be very low indeed (ranging between \$366 and \$490 median per year in the four counties). By close conference between the USHA and the Department of Agriculture the first principles were worked out and then applied in cooperation with the local housing authorities. Probably the most promising result of the little program was the habit of cooperation it established between the two federal agencies, which was continued in the planning that went into the drafting of Titles x and xi of the Taft-Wagner-Ellender bill (S. 866) now before Congress.

This volume is full of important objective evaluations. Only a few can be set down here. For various reasons Negroes are underrepresented in the new housing. The better housing has actually increased the net family incomes except in the higher brackets. Very good standardized houses were designed by the USHA, though the outlook with regard to plumbing is gloomy. Site selection was generally not so good as the house itself, though the tenants go to considerable lengths to beautify the grounds with shrubs and flowers. Nearly all tenants would rather be buying than renting their homes and to do so would willingly pay more, though rents are paid promptly and cheerfully. Sufficient time has hardly elapsed to provide conclusive

evidence of improvement in health and in social life, though there are indications of general improvement. The average total cost per dwelling in the four counties was \$2,323.91.

Since this study was completed certain important questions raised therein have been settled, subject to adoption by Congress of the Taft-Wagner-Ellender bill. Under Title x, the Department of Agriculture would be responsible for farm families unable otherwise to obtain adequate housing. New housing would be provided only on farms potentially capable of producing an income adequate to its purchase through 33-year loans at not more than 4 percent, with limited subsidy assistance for not more than 10 years. On farms not potentially capable of producing an adequate income special loans or grants would be authorized for minor improvements to meet minimum health standards. Title xi would place rural nonfarm housing for low-income families under the FPHA and its normal procedure, except that tenants may be given an option to purchase the houses. The Department of Agriculture would lead directly to the farm owner, the FPHA to local housing authorities. Considering the expertness of each federal agency in its own field, the inseparable relationship between farm housing and farm land, and the necessity of promoting the return of unsuitable farm lands to forest and ranges, this arrangement seems completely logical.

The volume has great value for the rural sociologist as well as for the student of housing. Many of the tables are very illuminating on the population composition, migration, education, incomes, health, and cultural characteristics.

BRYN J. HOVDE

BROGAN, D. W. *The Free State. Some Considerations on its Practical Value.* New York: Alfred A. Knopf. 1945. x & 130 pp. \$2.

Habent sua fata — libelli! The rapidity with which political pamphlets written on the spur of the moment become obsolete provides a bewildering and thought-provoking spectacle. No sooner is the ink dry on the paper than the seemingly eternal verities propounded by the writer reveal themselves as fleeting impressions or ephemeral fits of gall and wormwood. In the period between the writer's original inspiration and the finished book the scene that occasioned the outburst of irritation may have changed almost imperceptibly yet effectively, and with it the climate of opinion and the perspective.

Mr. Brogan's pamphlet on the free state is one of those that can add nothing to, but may detract much from, an author's reputation.

Published in 1945, it is by all tokens a "lily of a day." Mr. Brogan is a writer of high distinction, another Odysseus who "wandering from clime to clime, observant stray'd their manners noted and their states survey'd." He sets out to explain "to those intelligent Germans (who must exist)" the root-evils that caused Germany through her own fault to meet her doom. A black-and-white artist, he builds up his case by contrasting the rottenness and abject servility of the Germans with the virtues of the British "free State."

Many things have come to pass within two short years that make it highly questionable whether Mr. Brogan's comparison — if it ever was more than a running commentary — can stand. It looks as though Britain under duress is instituting a number of reforms which suggest to the detached observer that she may be taking a leaf out of the "scandalous" chronicle of Germany. It is all right to learn — mindful of the Roman adage — from the enemy (*fas est ab hoste doceri*). But Britain will in due time become cognizant of the fact that the proposed reforms cannot be effected without some encroachment on the amenity of the free state. Britain was not always *Britannia Languens* as she is at present; there was a time when she was merry and another when she "mafficked." But the excellence of her institutions, which she was fortunate enough to develop unimpeded and at her own convenience, does not prevent the rise of difficulties that can be surmounted only by curtailing cherished freedoms. One doubts that Mr. Brogan could have anticipated in 1945 the perplexing course of recent events.

His bill of indictment against the Germans may be summarized thus: The Germans at no time in their history had the slightest notion of what the freedom of the individual and hence the dignity of person means and implies. They always have been and still are idolaters of sheer might, which they revere with a morbid sense of self-abasement. They have never known the blessings of a genuinely democratic way of life. Theirs is a servile state ruled by an inbred military and bureaucratic caste, but they are so pleased with living in self-imposed bondage that they have no use for freedom of speech, not even when a frank word spoken or written would not entail the danger of losing a job. They have a depraved propensity for letting themselves be governed by popular tyrants to whom they surrender body and soul. They have thoroughly misconceived the nature and function of political parties in a modern democracy. Because of their ingrained military tradition their mode of life is that of a military camp and they stand ever ready to move at the first clarion call and to jump at the throat of whoever crosses their path. In a dramatic climax, then, it is asserted

that "German culture with its self-willed return to barbarism, with its exaltation of the irrational, with its worship of force, with its disdain of argument and persuasion" is an insufferable abomination.

These are harsh and rather sweeping accusations against Germans as a collective body. Mr. Brogan leaves it a moot point whether these German defects, in their entirety or in part, are to be considered constitutional, in which event the Germans would have to be judged a bad lot past redemption, a blunder or failure of Nature best exterminated like vermin; or whether their shortcomings are to be appraised as venial blemishes corrigible by repentance, atonement, education and the like, in which event it might be difficult to find an unbiased tribunal to sit in judgment; or finally, whether the German defects are those of their qualities, in which event it is difficult to see how they can be made to shed their vices without giving up their virtues. It matters not at all which interpretation is the correct one, for Brogan's catalogue of hardy perennials gains no conviction by being offered over and over again. There is a familiar ring to this list of

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The *American Economic Review*, a quarterly, is the official publication of the American Economic Association and is sent to all members. The annual dues are \$5.00. Address editorial communications to Dr. Paul T. Homan, Editor, *American Economic Review*, George Washington University, Hall of Government, Washington 6, D. C.; for information concerning other publications and activities of the Association, communicate with the Secretary-Treasurer, Dr. James Washington Bell, American Economic Association, Northwestern University, Evanston, Ill. Send for information booklet.

German faults, too familiar, in fact, to sway even the intelligent Germans to whom Mr. Brogan addresses himself primarily. It remains Mr. Brogan's secret what good he thinks can come from holding before the Germans a mirror in which they are shown only a caricature; this is so much love's labor lost, and it is likely to be an exaggerated hope "that the sermon addressed to Germany may have a wider interest and application."

There is, however, a general principle involved in all this fault-finding and name-calling, a principle that the British moralists of the eighteenth century laid down admirably and one from which Mr. Brogan might have profited. The unqualified defamation of an entire nation, on grounds that are disputable and on facts that are garbled, is tantamount to moral genocide. This is a serious matter on which Hume offered some good advice. "When a man denominates another his *enemy*, his *rival*, his *antagonist*, his *adversary*, he is understood to speak the language of self-love, and to express sentiments peculiar to himself, and arising from his particular circumstances and

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situation. But when he bestows on any man the epithets of *vicious* or *odious* or *depraved*, he then speaks another language, and expresses sentiments, in which he expects all his audience are to concur with him. He must here, therefore, depart from his private and particular situation, and must choose a point of view, common to him with others; he must move some universal principle of the human frame, and touch a spring to which all mankind have an accord and sympathy."

It must be admitted that Mr. Brogan, in contrast to certain other British "experts" on Germany, writes with that calmness which is the decorum of the learned profession. Such serenity is venomous nonetheless. For as Hume also reminds us, "there is a calm ambition, a calm anger or hatred, which, though calm, may likewise be very strong and have the absolute command over the mind. The more absolute they are, we find them commonly the calmer."

ARTHUR SALZ

Ohio State University

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BOOKS RECEIVED

- BARTLETT, RUHL J., ed. *The Record of American Diplomacy: Documents and Readings in the History of American Foreign Relations*. New York: Alfred A. Knopf. 1947. xx & 731 pp. \$6.
- CHAFEE, ZECHARIAH, JR. *Government and Mass Communications*. Chicago: University of Chicago Press. 1947. Vol. I, xvii & 468 pp.; Vol. II, vi & 360 pp. \$7.50.
- HOOK, SIDNEY, and KONVITZ, MILTON R., eds. *Freedom and Experience: Essays Presented to Horace M. Kallen*. Ithaca and New York: Cornell University Press and New School for Social Research. 1947. xix & 345 pp. \$3.50.
- INSTITUT NATIONAL DE LA STATISTIQUE ET DES ÉTUDES ÉCONOMIQUES. *Les Transferts internationaux des populations*. Paris: Presses Universitaires de France. 1946. 556 pp. 600 francs.
- KUNZ, HANS. *Die Anthropdogische Bedeutung der Phantasie*. Basel: Recht und Gesellschaft; American representative, Albert J. Phiebig. 1946. Vol. I, xii & 275 pp.; Vol. II, 311 pp. \$15.
- LEHMANN, KARL. *Thomas Jefferson: American Humanist*. New York: Macmillan. 1947. ix & 273 pp. \$4.50.
- OVINGTON, MARY WHITE. *The Walls Came Tumbling Down*. New York: Harcourt, Brace. 1947. x & 307 pp. \$3.
- Phyllobolia: für Peter von der Mühl*. Basel: Benno Schwabe; American representative, Albert J. Phiebig. 1946. 288 pp. \$6.
- SHORE, MAURICE J. *Soviet Education: Its Psychology and Philosophy*. New York: Philosophical Library. 1947. xxii & 346 pp. \$4.75.
- SOROKIN, PITIRIM A. *Society, Culture, and Personality: Their Structure and Dynamics*. New York: Harper. 1947. xi & 742 pp. \$5.
- WEBER, MAX. *The Theory of Social and Economic Organization*. [Translated by A. M. Henderson and Talcott Parsons; edited, with an introduction, by Talcott Parsons.] New York: Oxford University Press. 1947. x & 436 pp. \$6.
- WILCOX, WALTER W. *The Farmer in the Second World War*. Ames: Iowa State College Press. 1947. 410 pp. \$4.
- WOLFSON, HARRY AUSTRYN. *Philo: Foundations of Religious Philosophy in Judaism, Christianity, and Islam*. Cambridge: Harvard University Press. 1947. Vol. I, xvi & 462 pp.; Vol. II, xiv & 531 pp. \$10.

ERRATA

In the article entitled "Denazification," which appeared in the March 1947 issue of *Social Research* (vol. 14, no. 1), the fourth sentence of the next to last paragraph on page 74 should read: "It is therefore right and possible to punish an individual for unjust acts that he committed."

In Theodore A. Sumberg's "Toynbee and the Decline of Western Civilization," which appeared in the September 1947 issue of *Social Research* (vol. 14, no. 3) the sentence starting at the end of page 274 should read: "The important consequences of this view lie both in reforms to be made in the writing of history and in the supreme meaning to be imputed to the historical process."

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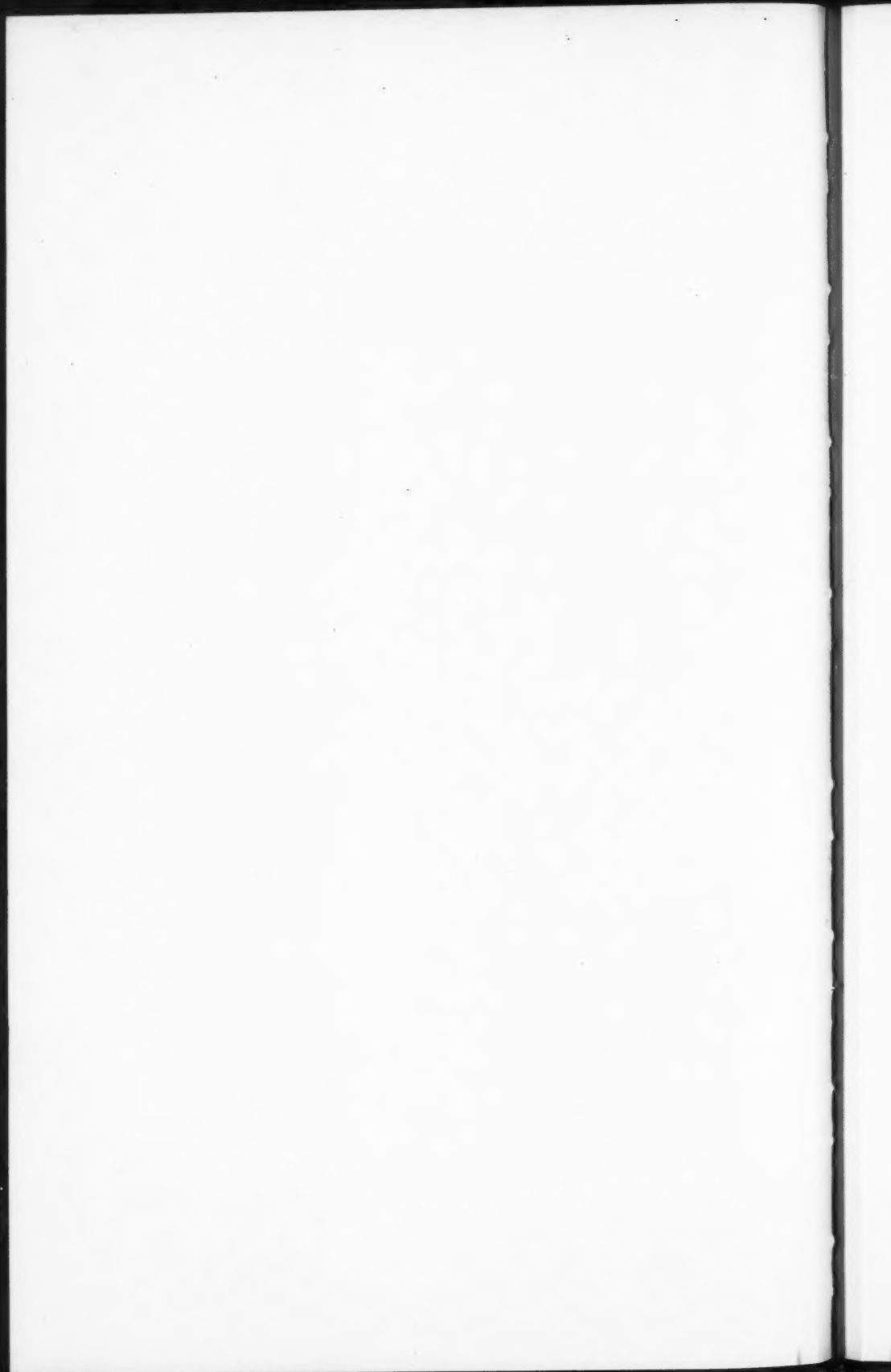
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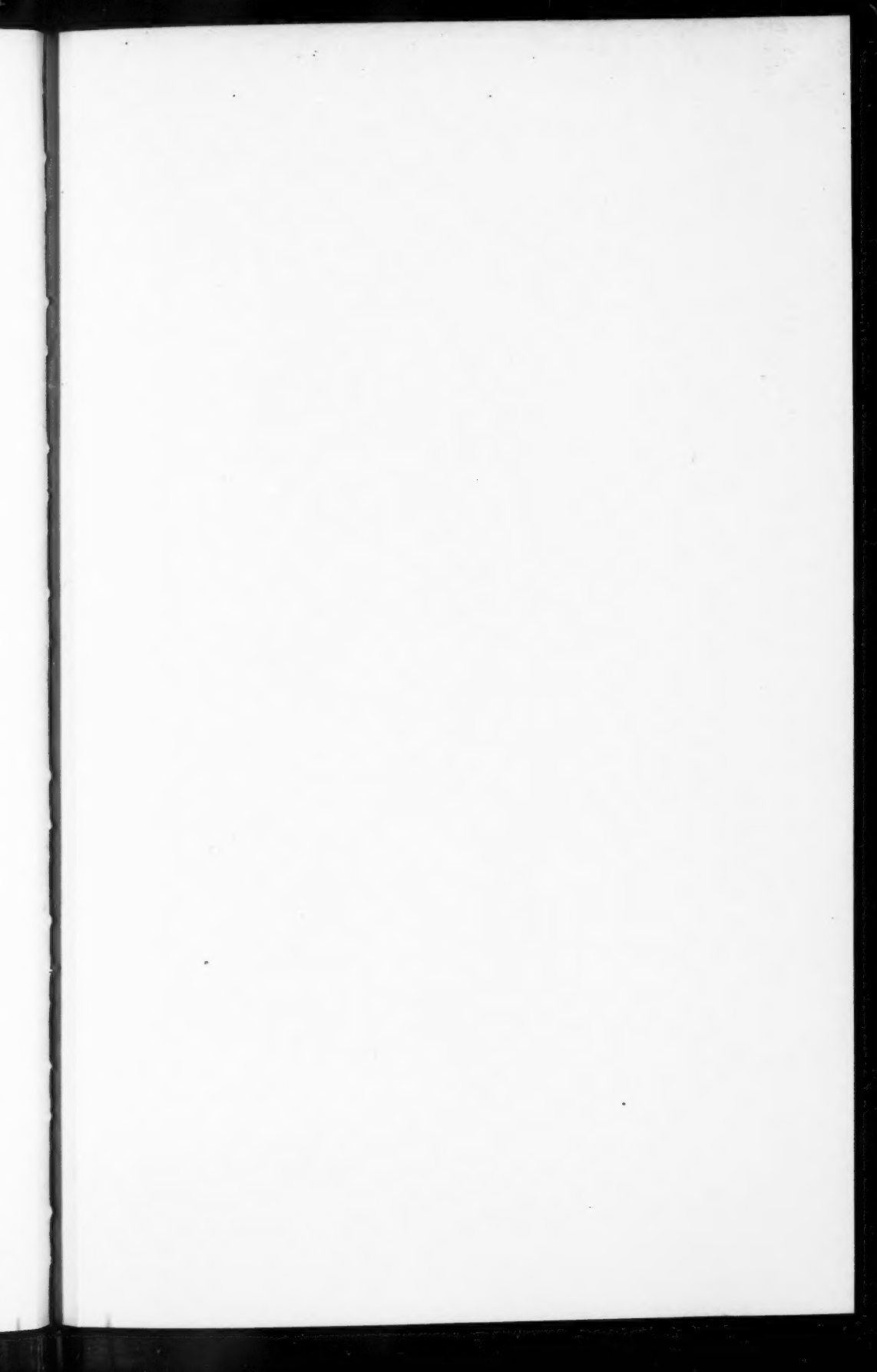
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